

BUSINESS PAPER



Penrith Mayor Todd Carney is joined by Member for Penrith Karen McKeown OAM MP, Michael Ensor President of Nepean District Tennis Association and Brett Bevan Chairperson of Tennis NSW to celebrate the upgrades to the Woodriff Gardens Tennis Complex. Jointly funded by Penrith City Council and the NSW Government, the upgrade features 4 new rooms for first aid, office and administration use, 2 modern change rooms, an adult change facility, upgraded canteen facilities and increased storage. The upper level includes a new kitchenette and accessible toilets.

Policy and Strategy Committee Meeting

15 June 2026

9 June 2026

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that a **POLICY AND STRATEGY COMMITTEE MEETING** of Penrith City Council is to be held remotely using audio visual links, video streamed and in the Council Chambers, Civic Centre, 601 High Street, Penrith on Monday 15 June 2026 at 7:00 PM.

Attention is directed to the statement accompanying this notice of the business proposed to be transacted at the meeting.

Yours faithfully

Andrew Moore
General Manager

BUSINESS

1. LEAVE OF ABSENCE

Leave of absence has been granted to:

Councillor Sue Day - 15 June 2026 to 19 June 2026 inclusive.

2. APOLOGIES

3. CONFIRMATION OF MINUTES

Policy and Strategy Committee Meeting - 1 June 2026.

4. DECLARATIONS OF INTEREST

Pecuniary Interest *(The Act requires Councillors who declare a pecuniary interest in an item to leave the meeting during discussion of that item)*

Non-Pecuniary Conflict of Interest – Significant and Less than Significant

(The Code of Conduct requires Councillors who declare a significant non-pecuniary conflict of interest in an item to leave the meeting during discussion of that item)

5. DELIVERY PROGRAM REPORTS

6. GENERAL BUSINESS

7. NEXT MEETING

POLICY AND STRATEGY COMMITTEE MEETING

MONDAY 15 JUNE 2026

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MEETING CALENDAR

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WEBCASTING NOTICE

Please note that tonight's meeting other than the confidential sessions are being recorded and will be placed on Council's website. All in attendance should refrain from making defamatory statements. Council takes all care when maintaining privacy, however members of the public gallery and other invited participants should be aware that you may be recorded.



2026 MEETING CALENDAR

January 2026 - December 2026

(Adopted by Council – 2 February 2026)

	TIME	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Council Meeting	7:00pm		2 23@	23	20 -	4 25 #	29*	27	24@	28^	26✓	30∞#+	14
Policy & Strategy Committee	7:00pm		9	9>	13	11	1 15	13	10	14	12	9	7

- Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are endorsed for exhibition
 - * Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are adopted
 - # Meetings at which the Operational Plan quarterly reviews (March and September) are presented
 - @ Meetings at which the Delivery Program progress reports (including the Operational Plan quarterly reviews for December and June) are presented
 - ^ Election of Mayor and/or Deputy Mayor
 - ✓ Meeting at which the 2025-26 Financial Statements are signed and referred to auditors
 - ∞ Meeting at which the 2025-26 Financial Statements are presented
 - + Meeting at which the Annual Report is presented
 - > To consider Budget, draft fees & charges and corporate document
 - Δ
- Extraordinary Meetings are held as required.
 - Members of the public are invited to observe meetings of the Council (Ordinary and Policy & Strategy Committee).
 - Should you wish to address Council, please contact the Head of Governance, Adam Beggs on 4732 7597.

**UNCONFIRMED MINUTES
OF THE POLICY AND STRATEGY COMMITTEE MEETING OF PENRITH CITY COUNCIL
HELD REMOTELY USING AUDIO VISUAL LINKS, VIDEO STREAMED ON THE COUNCIL
WEBSITE AND IN THE COUNCIL CHAMBERS, PENRITH
ON MONDAY 1 JUNE 2026 AT 7:00 PM**

WEBCASTING STATEMENT

His Worship the Mayor, Councillor Todd Carney read a statement advising that Council Meetings are recorded and webcast.

PRESENT

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Garion Thain and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Sue Day, Ross Fowler OAM, Glenn Gardiner, Sabbie Kaur, Hollie McLean, Reece Nuttall, Vanessa Pollak, Faithe Skinner and John Thain.

APOLOGIES

27 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Hollie McLean that the apology from Councillor Edwin Mifsud be accepted.

CONFIRMATION OF MINUTES - Policy and Strategy Committee Meeting - 11 May 2026

28 RESOLVED on the MOTION of Councillor Libby Austin seconded Councillor Robin Cook that the minutes of the Policy and Strategy Committee Meeting of 11 May 2026 be confirmed.

DECLARATIONS OF INTEREST

There were no Declarations of Interest.

DELIVERY PROGRAM REPORTS

STRATEGIC DIRECTION 2 - SUPPORT OUR WELLBEING

1 Cemeteries Policy

29 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Garion Thain

That:

1. The information contained in the report on the Cemeteries Policy be received.
2. The additional information that is required be brought back to an Ordinary Meeting to be finalised.

2 Update on draft Your Voice, Your Future: Penrith Youth Strategy and Action Plan 2026 - 2030

30 RESOLVED on the MOTION of Councillor Libby Austin seconded Councillor Garion Thain that the information contained in the report on Update on draft Your Voice, Your

Future: Penrith Youth Strategy and Action Plan 2026 - 2030 be received.

STRATEGIC DIRECTION 3 - SHAPE OUR GROWING CITY

3 Draft Our River Plan 2026-46

31 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Glenn Gardiner that the information contained in the report on Draft Our River Plan 2026-46 be received.

URGENT BUSINESS

There was no Urgent Business.

There being no further business the Chairperson declared the meeting closed the time being 8:24pm.

DELIVERY PROGRAM REPORTS

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2	<u>Onsite Wastewater Management Policy</u>	11
STRATEGIC DIRECTION 3 - SHAPE OUR GROWING CITY		
3	<u>Submission on Planning Reforms - Proposed Changes to Complying Development Standards, CDC Variations and Targeted Assessment for Low-Rise Housing</u>	21



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STRATEGIC DIRECTION 1 - NURTURE OUR ENVIRONMENT

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1 Result of public exhibition and proposed changes to the Penrith Biodiversity Strategy 2026-2036

Compiled by: Michael Middleton, Acting Head of Environmental Health and Compliance

Authorised by: Andrew Jackson, Director Planning and Regulatory Services

Outcome	<i>Nurture our environment</i>
Strategy	<i>Enhance natural spaces and protect environmental quality</i>
Principal Activity	<i>Improve our biodiversity and safeguard the natural environment</i>

Executive Summary

The purpose of this report is to provide Council with the outcomes of the exhibition of the Penrith Biodiversity Strategy 2026–2036. The Penrith Biodiversity Strategy 2026–2036 sets a renewed direction for protecting and enhancing the city’s natural environment in response to growing urban pressures, invasive flora and fauna species, extreme weather events and biodiversity loss. It builds on earlier efforts with a stronger focus on ecological resilience, legislative alignment and community engagement.

A draft Penrith Biodiversity Strategy 2026–2036 was placed on public exhibition from 10 November to 8 December 2025. Community members and key stakeholders were given an opportunity to provide comment. The public exhibition was held via Council’s Your Say online platform. This attracted 1,083 views and 327 downloads from the site. 37 formal responses from various sources were received. Council staff have collated the feedback from the community and community groups, provided responses to key issues and revised the Penrith Biodiversity Strategy 2026–2036 as outlined in this report and supporting Community Engagement Report provided as an attachment.

The draft Penrith Biodiversity Strategy 2026–2036 outlines key priorities, including conserving threatened ecosystems, expanding habitat corridors, integrating First Nations knowledge and embedding biodiversity into planning, advocacy and community education. It also responds to recent recommendations from the NSW Government’s Independent Review to achieve “nature positive” outcomes, shifting from reactive conservation to proactive restoration.

Councillors were briefed in relation to the development of the Penrith Biodiversity Strategy 2026–2036 on 4 August 2025. At the 27 October 2025 Ordinary Meeting, Council endorsed the public exhibition of the draft Penrith Biodiversity Strategy 2026–2036.

A revised Penrith Biodiversity Strategy 2026–2036 has been prepared addressing issues raised during the public exhibition period and is provided as a separate enclosure. There are no additional recommendations that have been added to the Strategy, however some of the existing recommendations have been amended to include issues raised during the public exhibition period.

The draft Penrith Biodiversity Strategy 2026–2036 is now presented for Council’s consideration.

Background

Penrith supports 13 vegetation communities with most listed as endangered or critically endangered and retains significant biodiversity of regional importance, including a substantial portion of Cumberland Plain Woodland. Biodiversity promotes community wellbeing, environmental health and local liveability, yet is increasingly under pressure by urban growth, illegal clearing, change in climate and invasive species.

While biodiversity is already embedded across Council strategies and operations including the Green Grid Strategy, Cooling the City Strategy, the St Marys Town Centre Urban Ecology Plan and community initiatives such bushland management, the draft Penrith Biodiversity Strategy 2026–2036 provides a coordinated, LGA-wide framework to strengthen outcomes across public and private land. It focuses on ecological corridors, threatened species and priority precincts, supported by six strategic goals:

1. Maintaining Biodiversity;
2. Extending Biodiversity;
3. Caring for Country;
4. Promoting Healthy Community;
5. Collaborating & Forming Partnerships; and
6. Staff Training & Compliance Communication.

The Strategy includes a 10-year action plan, combining deliverable actions within existing resources and more aspirational initiatives subject to additional funding, grants and capacity. Priority corridors identified in the 2023 Biodiversity Study will remain a focus to strengthen our ability in leveraging strategic partnerships and investment to deliver long term community and environmental benefits.

Governance will be supported by a cross-department Biodiversity Strategy Advisory Group to coordinate delivery, ownership and staged implementation aligned to available resources and funding.

Current Situation

Public exhibition of the draft Penrith Biodiversity Strategy 2026–2036 ran from 10 November to 8 December 2025. The following sections outline the engagement activities undertaken, feedback received, key issues raised in feedback and changes to the Biodiversity Strategy 2026–2036 as a result. Further details can be found in the Community Engagement Report provided as an attachment.

Community Engagement Activities

The draft Penrith Biodiversity Strategy 2026–2036 was advertised on Council's website and Council's social media channels.

The draft Penrith Biodiversity Strategy 2026–2036 had a dedicated webpage on Council's Your Say platform that provided opportunities to download the draft Penrith Biodiversity Strategy 2026–2036, complete an online survey and read Frequently Asked Questions about the draft Strategy.

Key stakeholders including government agencies, industry and community groups were notified directly of the exhibition and invited to make submissions.

Feedback Received

The public exhibition activities attracted 1,083 views and 327 downloads from the site. 37 formal responses from various sources including:

- 29 responses from the 'Your Say Penrith' online survey.
- 8 formal written submissions from residents and community groups.
- No responses were received from NSW Government agencies.

Most respondents were referred from social media to the Your Say Penrith website. 26% visited the Your Say Penrith webpage directly, 16% used a search engine to access the Your Say Penrith website and 7% were referred to the Your Say Penrith page from the Council website.

The high level of site traffic relative to submissions suggests the draft Penrith Biodiversity Strategy 2026–2036 did not generate significant concern or opposition within the community and no substantive issues were identified that would warrant major revision.

Formal Submissions

Feedback from the formal online submissions followed several broad themes:

- Strengthen resourcing, compliance, enforcement and monitoring.
- Stronger support for incentives, stewardship programs and practical support for private landholders.
- Stronger biodiversity requirements in urban planning and development controls.
- Support protection and restoration of corridors and key landscapes.
- Stronger pest, invasive species and fauna management.
- Clearer implementation planning to support delivery of biodiversity outcomes
- Improved community education, communication and community engagement.
- Stronger governance and cross-council agency integration.
- Inaccurate information about the strategy due to the perceived restrictions and controls that would be imposed on private land. They did not provide actionable ideas and examples including one-word dismissals (“None”, “Nothing”), emotional objections, perceived safety focused statements about snakes/bushfire fire and negativity directed toward Council.

Feedback from the private landowner submissions followed several broad themes and appears to be based, in part, on a misunderstanding of the Strategy:

- Concerns about restrictions, changes to biodiversity mapping, uncertainty about future land use restrictions, including concerns about limits on routine property maintenance, increased compliance obligations and impacts on safety (e.g., bushfire hazard reduction) and controls that would be imposed on private land.
- Concerns about potential financial impacts, including reduced property value, higher development costs, inequitable treatment compared with unaffected neighbouring properties, and the expectation to pay full rates despite new limitations.
- Call for removal of private properties from mapped biodiversity areas unless landowners voluntarily opt in and urge Council to focus biodiversity protections on publicly owned land rather than imposing mandatory controls on private holdings.

Feedback from the community group submissions followed several broad themes:

- Strengthen and expand landscape-scale conservation corridors.
- Improve recognition and protection of fauna, particularly large terrestrial species.
- Concerns about impact of roads on fauna movement.
- Greater protection of Koalas.
- Strengthen action on invasive species.
- Concerns about illegal land clearing.

- Improved mapping accuracy and integration.
- Increase incentives and support for biodiversity conservation on private land.
- Improve resourcing, coordination and long-term commitment to biodiversity actions.
- Elevate the strategic importance of the Mulgoa Valley.

Response to Community Feedback and Amendments to the Strategy

All the comments, suggestions and issues raised during the public exhibition have been considered and are addressed in the Community Engagement Report provided as an attachment.

Each Appendix has been updated to provide a clear and transparent line of sight between submissions and outcomes. This includes identifying where changes have been made in response to submissions and where those changes are reflected within the Strategy. Where no specific amendment was required, the Appendices also clarify Council's position that the existing actions are sufficiently broad to address the matters raised. In addition, they document instances where submissions were not incorporated, including where proposals were not considered to be feasible or considered outside the scope of the Strategy.

Online Submissions

The revised Strategy incorporates 8 changes in response to community feedback, addressing 16 of the 29 online submissions. A further 6 submissions can be accommodated within the scope of existing actions, resulting in 76% of submissions being addressed through either amendments or existing measures in the draft Strategy.

The remaining submissions were either outside the scope of the Strategy or did not present actionable or constructive proposals and as such could not be incorporated or addressed.

Private Landowner Written Submissions

All 5 written submissions from private landowners raised consistent concerns regarding perceived increases in land use and planning restrictions as well as the potential for compulsory implementation of actions. In response, the revised Strategy has been strengthened to clearly reinforce its non-statutory nature and confirm that participation by private landowners is voluntary.

Community Group Written Submissions

All 3 written submissions from the community groups raised items, majority of which were addressed through either amendments or existing measures in the draft Strategy, noting that some aspects of their submissions were not feasible e.g. budget constraints or were outside the scope of the Strategy.

This table summarises key themes raised during consultation, what was heard from submissions, and how these matters are addressed within the Draft Penrith Biodiversity Strategy 2026–2036.

Theme	What we heard	Council response / Strategy alignment	Strategy section / goal reference
1. Governance, Resourcing and Implementation	<ul style="list-style-type: none"> • Calls for stronger resourcing, enforcement, 	The Draft Strategy includes an implementation framework,	Goal 5 – Collaborating & Forming Partnerships;

	<p>compliance, monitoring and long-term commitment.</p> <ul style="list-style-type: none"> • Need for clearer implementation planning, delivery pathways and improved cross-agency and cross-council coordination. 	<p>governance structures, monitoring and reporting processes and a long-term approach to resourcing subject to funding.</p>	<p>(Actions 5.1–5.3) – Strategy Implementation, Monitoring and Evaluation sections</p>
<p>2. Biodiversity Protection, Restoration and Landscape Connectivity</p>	<ul style="list-style-type: none"> • Strong support for protecting and restoring biodiversity corridors, key landscapes and landscape-scale conservation areas. • Emphasis on strategic areas such as the Mulgoa Valley • Concerns about habitat fragmentation, including road impacts on fauna movement. 	<p>The Draft Strategy adopts a corridor-led, evidence-based approach, identifying LGA-wide corridors of significance and priority projects. The priority projects prioritise corridors where land is owned or managed by Council for more effective control and access to the land but does not exclude private property altogether. Actions focus on protecting, restoring and reconnecting key landscapes and improving fauna movement and connectivity.</p>	<p>Goal 1 – Maintaining Biodiversity and Goal 2 – Extending Biodiversity; LGA-wide Corridors of Significance; Priority Projects (Action 2.10)</p>
<p>3. Fauna and Threatened Species Management</p>	<ul style="list-style-type: none"> • Greater protection of fauna, particularly large terrestrial species and koalas. 	<p>The Draft Strategy includes targeted actions for threatened species, pest and invasive species management,</p>	<p>Goal 1 – Maintaining Biodiversity (Actions 1.1, 1.3, 1.5–1.13); Goal 6 – Staff Training & Compliance</p>

	<ul style="list-style-type: none"> • Stronger action on pest animals and invasive species, • Concerns about illegal land clearing and cumulative impacts on wildlife. 	<p>improved compliance responses, and monitoring to reduce pressures on fauna and protect biodiversity values.</p>	<p>Communication Actions (6.6, 6.10).</p>
<p>4. Planning Controls, Mapping and Development Impacts</p>	<ul style="list-style-type: none"> • Support for stronger biodiversity requirements in urban planning and development controls • Concerns about mapping accuracy, integration and transparency • Uncertainty about how biodiversity mapping may affect future land use and development rights. 	<p>The Draft Strategy commits to reviewing planning controls, improving biodiversity mapping and transparency, and providing clearer guidance on how biodiversity considerations are applied within planning and development processes.</p>	<p>Goal 2 – Extending Biodiversity (Actions 2.1, 2.6). Goal 6 – Staff Training & Compliance Communication (Actions 6.1–6.5, 6.8).</p>
<p>5. Private Landholder Impacts, Equity and Incentives</p>	<ul style="list-style-type: none"> • Concerns about perceived restrictions, compliance burdens, safety considerations (including bushfire hazard reduction) and impacts on routine land management. • Financial concerns regarding 	<p>The Draft Strategy includes initiatives on education and practical support for private landholders, alongside voluntary conservation mechanisms, while prioritising biodiversity action on publicly owned land where Council has direct control. The Strategy also aims to provide</p>	<p>Goal 1 Maintaining Biodiversity (Action 1.19). Goal 4 – Promoting Healthy Community (Actions 4.3, 4.8–4.11). Implementation Chapter</p>

	<p>property values, development costs and equity.</p> <ul style="list-style-type: none"> • Support for incentives, stewardship programs and voluntary participation, with a greater focus on publicly owned land. 	<p>clear communication and does not introduce any statutory controls. A change was included specific to risk within the Implementation Chapter to address concerns about safety to humans from wildlife and bushfire.</p>	
<p>6. Community Awareness, Engagement and Perceptions</p>	<ul style="list-style-type: none"> • Need for improved community education, communication and engagement • Feedback indicating inaccurate information about the Strategy, including non-actionable or emotive responses and safety-focused objections. • Importance of clearer messaging to address misconceptions and build community confidence. 	<p>The Draft Strategy includes a strong emphasis on community expanded education, engagement and targeted clear communication to address misconceptions, improve understanding of biodiversity outcomes and build community confidence. The Draft commits to evidence-based guidance for planting in flood-prone areas and expansion of cultural burning practices. A change was included specific to risk within the Implementation Chapter to address concerns about safety to humans</p>	<p>Goal 2 – Extending Biodiversity (Action 2.2). Goal 3 Caring for Country (Action 3.5). Goal 4 – Promoting Healthy Community (Actions 4.1–4.7) Implementation Chapter</p>

		from wildlife and bushfire.	
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Recommended changes

A portion of online and written submissions were based on inaccurate information about the Strategy's purpose, status and effect and provided limited recommendations relevant to the Strategy. As a result, minimal changes are proposed to the core direction of the Penrith Biodiversity Strategy 2026–2036.

Several submissions incorrectly linked the Penrith Biodiversity Strategy 2026–2036 to the NSW Government's Biodiversity Offset Scheme and Biodiversity Values Map. The Penrith Biodiversity Strategy 2026–2036 is not a statutory or regulatory instrument, does not impose controls on private land, alter zoning, or restrict land use and participation by landowners is entirely voluntary. Its mapping is intended to identify ecological values and guide Council priorities on Council managed land and voluntary partnerships only.

An additional paragraph has been added to the executive summary to clearly and prominently reinforce the Strategy's purpose and intent.

In response to community concerns regarding safety, maintenance and practical implementation, the final Penrith Biodiversity Strategy 2026–2036 includes a strengthened implementation section. This clarifies that actions will be subject to Council's formal risk assessment processes where it is considered relevant or proportionate to the action, with risks assessed, managed and revisited over the life of the Strategy. Where risks are unacceptable, actions may be modified or not proceed, with justification provided and stakeholders engaged where appropriate.

To address concerns regarding biodiversity corridor mapping, including the Kingshill corridor, additional detail has been included under Action 6.2 (LEP and DCP review) to review and update the Natural Resources Sensitive Land Map to better reflect areas of high biodiversity value and key corridors identified in the Penrith Biodiversity Strategy 2026–2036.

Additional editing changes are to be incorporated into the final Penrith Biodiversity Strategy 2026–2036 document. These include:

- Replace the image on Figure 5. (Saltwater Coast Vic) with a local image from Thornton Canal.
- Replace incorrect Image (bottom centre Page 74) with correct image of Long-nosed Bandicoot.
- Update link under "Sign up to the Council Newsletter..." (currently links to visitor information) to <https://www.penrithcity.nsw.gov.au/community-library/community/our-place>
- Correction of spelling mistakes identified in document
- Correction of formatting inconsistencies

Submissions received during consultation proposed a broad range of additional actions and refinements for the Penrith Biodiversity Strategy 2026–2036. These have been grouped into common themes to ensure structured consideration. While not all individual suggestions are explicitly reflected, the Strategy's actions are intentionally framed to accommodate a broad and evolving range of matters over time.

Prior to implementation, all actions will undergo a merit-based assessment of appropriateness, priority and feasibility, having regard to strategic alignment and available resources, with formal risk assessment applied where relevant or proportionate.

Financial Implications

The costs associated with the public exhibition of the draft Penrith Biodiversity Strategy 2026–2036 have been funded within existing Environmental Health & Compliance budget adopted as part of the 2025-2026 Operational Plan and Delivery Program.

Specific actions in the Penrith Biodiversity Strategy 2026–2036 have their own financial implications over the course of the next 10 years. It is intended that these actions will be integrated where possible within Council’s future Operational Plans and Delivery Programs with grant funding opportunities also being investigated.

Funding Shortfalls:

- Action: Identify and apply for external grants and work with Council Departments on their capacity, both from a budget and workload perspective

The Action Plan provides an indicative view of which actions are expected to be delivered within existing budget and staffing resources, and which actions are contingent on the availability of additional resources, including external grant funding. Importantly, it is intended to be a dynamic action plan and will be reviewed periodically over the term of the Strategy to reflect changing priorities, capacity and funding opportunities.

Of the 72 actions identified, 37 are currently considered fully funded within Council’s existing budget and capacity. A further 10 actions, while partially funded, are also currently anticipated to be achievable within existing resources. This results in a total of 47 actions that are currently assessed as either fully funded or capable of being delivered within existing capacity, while the remaining actions of the Strategy position Council strongly to pursue external funding opportunities or additional resources as they arise.

The Natural Systems Team has an existing recurrent operational biodiversity strategy budget of \$20,000, supported by 6 staff whose work contributes to biodiversity outcomes. However, these roles are not solely dedicated to biodiversity, with responsibilities also for tree management, catchment management and stormwater management. In addition, biodiversity outcomes are embedded across broader Council operations, with many staff contributing through business as usual activities.

Risk Implications

Interdepartmental Coordination Challenges:

- Action: Establish a cross-departmental Biodiversity Strategy Advisory Group to oversee implementation, assign clear responsibilities and schedule regular progress reviews.

Legislative Compliance Issues:

- Action: Regularly review legislative updates and ensure that all actions are compliant with the biodiversity conservation framework

Conclusion

The Penrith Local Government Area (LGA) contains a rich diversity of natural environments. Our community has expressed that protecting the Nepean River, creeks, waterways and bushland areas is a key priority. In response, Council acknowledges the need to protect, enhance and restore this biodiversity in a planned and coordinated way across the LGA.

Public exhibition of the draft Penrith Biodiversity Strategy 2026–2036 ran from 10 November to 8 December 2025. Following exhibition, Council staff have collated the feedback from the community and organisations, provided responses to key issues and revised the Penrith Biodiversity Strategy 2026–2036 accordingly, as outlined in this report and supporting Community Engagement Report provided as an attachment.

The draft Penrith Biodiversity Strategy 2026–2036 establishes a renewed, 10 year direction for protecting and enhancing the city’s natural environment in response to increasing urban pressures, invasive species, extreme weather events and biodiversity loss. Building on previous initiatives, the Strategy places a stronger emphasis on ecological resilience, legislative alignment and community engagement, and will guide Council’s biodiversity actions to ensure community needs are met now and into the future.

A final Penrith Biodiversity Strategy 2026–2036 has been prepared and is separately enclosed for Council’s consideration.

RECOMMENDATION

That:

1. The information contained in the report on Result of public exhibition and proposed changes to the Penrith Biodiversity Strategy 2026-2036 be received.
2. Council note the feedback received as part of the exhibition of the draft Penrith Biodiversity Strategy 2026–2036 and the proposed amendments to the Draft.
3. Council endorse the revised Penrith Biodiversity Strategy 2026–2036.

ATTACHMENTS/APPENDICES

1. Biodiversity Strategy Community Engagement Report - June 2026	35 Pages	Attachments Included
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2 Onsite Wastewater Management Policy

Compiled by: Michael Middleton, Acting Head of Environmental Health and Compliance

Authorised by: Andrew Jackson, Director Planning and Regulatory Services

Outcome	<i>Nurture our environment</i>
Strategy	<i>Enhance natural spaces and protect environmental quality</i>
Principal Activity	<i>Guide landholders in sustainable practices that enhance public health and environmental quality</i>

Executive Summary

The Penrith LGA contains approximately 4,500 On-Site Wastewater Management (OWM) systems, regulated by Council's Environmental Health Team through the On-Site Sewage Management Program. The supporting policy, originally developed in 2007, establishes responsibilities for system owners and industry stakeholders, and provides the framework for Council's regulatory and assessment functions.

A comprehensive review of the Program and Policy has identified key operational and compliance challenges, particularly in the issuing of operational approvals and Council's capacity to undertake inspections within current resources.

In response, a series of targeted amendments have been developed, including the introduction of a risk-based classification system, streamlined approval processes, updated technical requirements aligned with current NSW guidelines, and improved administrative processes.

The purpose of this report is to present to Councillors the outcomes of the public exhibition of the revised On-Site Wastewater Management Policy, undertaken from 12 February to 18 March 2026. Council previously endorsed the draft On-Site Wastewater Management Policy for public exhibition to ensure the framework remains contemporary, aligned with best practice and continues to support the protection of public health and the environment.

During the exhibition period, Council received 22 enquiries and 5 written submissions from community members and industry stakeholders. Following review, amendments have been made to the draft On-Site Wastewater Management Policy, where considered appropriate or necessary.

The draft On-Site Wastewater Management Policy is now presented for Council's consideration.

Background

The Penrith LGA encompasses a mix of seweraged urban, village, and unsewered rural areas. Properties not connected to Sydney Water's sewerage network manage wastewater through on-site systems such as Aerated Wastewater Treatment Systems (AWTS) and septic tanks.

Following amendments to the Local Government Act 1993, Council developed its original On-Site Sewage Management Strategy in 2002, establishing the foundation of the current regulatory program. This Strategy was subsequently reviewed in 2007, leading to the

adoption of the On-Site Sewage Management and Greywater Reuse Policy, with a further review in 2014

A comprehensive review of both the Program and Policy has now been completed to ensure efficient resource allocation, alignment with best practice and ongoing relevance. The recommended amendments to the overall Program and Policy document will enable a proactive, targeted inspection program to be undertaken, focussing on OWM systems that are of higher risk to the environment and/or public health.

At the Policy Review Committee Meeting on the 11 August 2025, Council resolved to endorse the draft On-Site Wastewater Management Policy for public exhibition. This report presents to Councillors the results of the public exhibition.

Current Situation & Proposed Amendments

The review identified 4 primary challenges:

1. The current 'Approval to Operate' process does not differentiate between high- and low-risk systems.
2. Limited capacity to undertake proactive inspections due to increased workloads and resourcing constraints.
3. Inefficient submission and processing of service reports; and
4. Unproductive administrative and operational processes.

Under current practice, all OWM systems are treated uniformly, regardless of environmental or public health risk. This approach does not consider critical factors such as proximity to waterways, drainage lines, native vegetation or flood-prone areas.

To better target Council's regulatory efforts, a new risk classification framework is proposed. Systems will be categorised as low risk, medium risk, or high risk. The risk classification framework will assist in developing a proactive inspection program that ensures resources are allocated to the areas of greatest need.

Proposed changes to the On-Site Wastewater Management Policy include:

- Updating terminology to reflect new NSW Office of Local Government (OLG) guidelines;
- Greywater retained, but now embedded within broader wastewater framework rather than equal co-focus;
- Updated legislative and policy references, Local Government (General) Regulation 2005 → 2021, DCP 2010 → DCP 2014 flood planning provisions as well as introducing the OLG Onsite Wastewater Management Guidelines (2025) and WaterNSW (2023) guidance;
- New risk classification system (Low / Medium / High) for OWM systems that influence inspection prioritisation that replaces the previous uniform inspection approach;
- Re-inspection regime for failing systems (with fees);
- Introducing additional buffer distances to protect sensitive receptors, including market gardens;
- Requiring viral die off modelling for sites unable to meet standard buffer distances to water bodies and overland flow paths, providing scientific validation that risks are mitigated;
- Requirements for commercial businesses, home businesses, and home occupations to ensure that wastewater from non-residential activities is managed on-site appropriately. These requirements will be consistent with guideline documents such as the NSW Liquid Trade Waste Management Guidelines 2021;

- Requirements of identification of reserve Effluent Management Area (EMA) on plans;
- Additional technical triggers for the provision of Wastewater Assessment Reports with applications;
- System Decommissioning: Providing clearer guidance for owners and consultants regarding decommissioning processes; and
- Digital reporting requirements introduced with AWTS servicing reports must now be submitted electronically (individual PDFs) and subject to processing fees if non-compliant.

A new internal Operational Guideline will also be developed to document Council's procedures and regulatory approach. Upon adoption of the draft On-Site Wastewater Management Policy, Council's website will be updated to reflect these changes.

Public Exhibition

The public exhibition was undertaken from 12 February to 18 March 2026 in accordance with Council's Community Participation Plan 2024–2028. Council received 22 enquiries and 5 written submissions from community members and key stakeholders, including environmental consultants and service agents.

Targeted engagement was undertaken prior to, during and following the public exhibition, including direct notification to approximately 4,500 OWM system owners and Council's list of registered environmental consultants and Aerated Wastewater Treatment System (AWTS) service providers, supported by online and in-person access to exhibition materials. Follow-up engagement with service providers resulted in additional enquiries and clarification of operational impacts.

The draft On-Site Wastewater Management Policy and a Frequently Asked Questions document were made available electronically on Council's YourSay webpage. Hard Copies were available at both the Penrith Civic Centre and St Marys Library for members of the public to review.

Upon conclusion of the Public Exhibition period, Council contacted AWTS service providers via electronic mail and phone, making them aware of specific changes within the draft On-Site Wastewater Management Policy that may have direct implications to their business operations and encouraged them to contact Council to discuss these changes. Upon initiating this contact, Council received further enquiries from 4 service agents operating within our local government area and discussed their concerns and questions raised over the phone and through electronic mail.

Key issues raised from our customers included potential upgrade costs for existing systems, proposed changes to approval durations and billing cycles, and clarification of requirements for dual occupancies, flood-affected land and the overall perceived conservative approach of the draft On-Site Wastewater Management Policy.

Feedback Received

The public exhibition activities attracted 941 views and 285 downloads from the site. Council received 27 formal responses from various sources, including:

- 5 formal written submissions from residents, consultants and service providers;
- 18 phone, email and counter enquiries from residents, consultants and service agents throughout the exhibition period; and
- 4 email and phone enquiries from service agents upon conclusion of the exhibition period after further Council consultation.

Most respondents were referred directly to the Your Say Penrith website from the link provided during the exhibition period. 66% visited the Your Say Penrith webpage directly, 24% used a search engine to access the Your Say Penrith website and the remaining were referred to the Your Say Penrith page from the Council website.

Progressively throughout the public exhibition period, 18 enquiries were addressed by the team with information and clarification provided to each of these customers.

This table summarises key themes raised during consultation, what was heard from submissions, and how these matters are addressed within the draft On-Site Wastewater Management Policy.

A detailed account of all submissions and enquiries and Council's response can be found in Attachment 2.

Submission/Enquiry Summary	Document Change (Y/N)	Justification
Concerns about mandatory upgrades to existing systems	Y	<p>The adoption of the revised Policy does not require existing systems that are in good working order to be automatically upgraded. However, where a system has been installed without Council approval, or where a like for like replacement for a failing system presents a potential risk to human health or the environment, upgrades or modifications may be required in accordance with the requirements of the Policy.</p> <p>Clarification of this point has been added to the Section 1.2 'Scope' of the revised Policy.</p>
<p>Concerns/perceptions that the Policy is overly conservative, particularly in relation to:</p> <ul style="list-style-type: none"> • buffer distances to sensitive receivers • secondary dwellings and dual occupancies • flood-prone land • effluent management area sizing 	Y	<p>Council does not consider the new requirements for secondary dwellings, dual occupancies, flood-prone land, effluent management areas and buffer distances to be conservative. These new measures are considered appropriate to manage long-term public health and environmental risks under worst-case conditions. The Policy provides flexibility where reduced requirements or additional capacity can be justified through site-specific technical assessment, and it does not require automatic upgrades to existing approved systems. As the approach remains risk-based, evidence-supported and consistent with State guidance, no amendments to the</p>

		<p>Policy are considered necessary.</p> <p>Clarification of this point has been added to the Section 1.2 'Scope' of the revised Policy.</p>
Concerns raised regarding the introduction of the risk classification of OWM systems	Y	<p>The proposed high, medium and low risk categories are administrative only and will not result in increased fees or charges for property owners.</p> <p>Following feedback received during the enquiry process, it is now recommended that Council retain the current three-year approval cycle to maintain administrative efficiency and avoid delaying implementation of the Policy and Program.</p>
Submission of AWTS service reports	N	<p>Service providers queried the required submission format of service reports. This information is detailed in Appendix D of the Policy. Therefore, no changes to the Policy are proposed.</p>

Response to Community Feedback and Amendments to the draft On-Site Wastewater Management Policy

Following the conclusion of the public exhibition period, 2 changes were made to the draft On-Site Wastewater Management Policy that address 15 of the 27 submissions and enquiries. The remaining 12 submissions and enquiries did not warrant amendment to the Policy, as the issues raised were either already adequately addressed within the existing framework, fell outside the scope of the Policy, or did not present constructive proposals suitable for incorporation.

An amendment is proposed for the retention of the current 3-year approval cycle, with the proposed introduction of 1, 3 and 5 year cycles to be withdrawn. However, the proposed change to 1, 3 and 5 year inspection regime is still proposed.

Additionally, clarification the revised Policy does not require existing systems that are in good working order to be automatically upgraded has been added to the Section 1.2 'Scope' of the revised Policy.

Financial Implications

The costs associated with the public exhibition of the draft On-Site Wastewater Management Policy have been funded within existing Environmental Health & Compliance budget adopted as part of the 2025-2026 Operational Plan and Delivery Program.

There are no additional direct financial implications for Council arising from the implementation of the proposed Policy when compared to the current Policy framework. The Policy will continue to operate on a partial cost recovery basis through Council's adopted fees and charges to property owners.

Council maintains an existing recurrent operational expenditure budget of approximately \$287,000 to support On-Site Wastewater Management activities, primarily directed toward employee costs within the Environment Team. It is noted that this allocation does not fully fund all 9 staff who contribute to delivering the Policy, as these roles are shared across a broader range of environmental health functions.

In addition to expenditure, the program is supported by an income budget derived from application, renewal and inspection fees, which varies annually in line with the three-year approval cycle for systems across the LGA. As a result, currently revenue is not consistent year-to-year and is influenced by the timing and volume of renewals.

Delivery of the Policy is also supported by existing resources across Council, including Development Services for Planning Portal administration and Finance for invoicing, with these cross-functional contributions accommodated within existing budgets and not resulting in additional financial pressure.

Conclusion

The effective management and regulation of On-site Wastewater Management systems is critical to protecting public and environmental health within the Penrith LGA and surrounds. In response to evolving scientific guidance, community needs, and regulatory frameworks, Council has undertaken a necessary review of its On-Site Wastewater Management Policy.

Public exhibition of the draft On-Site Wastewater Management Policy ran from 12 February to 18 March 2026. Following exhibition, Council staff have collated the feedback from the community and organisations, provided responses to key issues and revised the draft On-Site Wastewater Management Policy accordingly, as outlined in this report and supporting attachment.

The recommended amendments to the overall Program and Policy document will enable a proactive, targeted inspection program to be undertaken, focussing on OWM systems that are of higher risk to the environment and/or public health. The revised, risk-based inspection system will ensure that Council resources are allocated appropriately and reflect a proactive and evidence-based approach to managing environmental health.

In summary, the amendments will ensure that owners and operators of on-site wastewater management systems have contemporary information available to ensure their systems can be managed effectively, whilst also ensuring Council continues to meet its environmental health objectives and legislative responsibilities.

A final On-Site Wastewater Management Policy has been prepared and is separately enclosed for the information of Councillors.

RECOMMENDATION

That:

1. The information contained in the report on the draft On-Site Wastewater Management Policy be received.
2. Council note the feedback received as part of the exhibition of the draft On-Site Wastewater Management Policy and the proposed amendments to the Draft.
3. Council endorse the final On-Site Wastewater Management Policy.

4. A date for commencement of the On-site Wastewater Management Policy be published on Council's website.

ATTACHMENTS/APPENDICES

1. Draft On-Site Wastewater Management Policy May 2026	33 Pages	Attachments Included
2. Summary of Individual Submissions and Enquiries	8 Pages	Attachments Included

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STRATEGIC DIRECTION 3 - SHAPE OUR GROWING CITY

Item

Page

3 [Submission on Planning Reforms - Proposed Changes to Complying Development Standards, CDC Variations and Targeted Assessment for Low-Rise Housing](#)

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3 Submission on Planning Reforms - Proposed Changes to Complying Development Standards, CDC Variations and Targeted Assessment for Low-Rise Housing

Compiled by: Gavin Cherry, Development Assessment Coordinator
Authorised by: Peter Wood, Head of Development Services
 Andrew Jackson, Director Planning and Regulatory Services

Outcome	<i>Shape our growing city</i>
Strategy	<i>Navigate balanced growth and plan strategically</i>
Principal Activity	<i>Assess, certify and guide sustainable quality development outcomes for the community</i>

Presenters: Andrew Jackson - Director Planning and Regulatory Services - Proposed changes to Development Standards

Executive Summary

This report seeks a resolution from Council to endorse the lodgement of a draft submission (Attachment 1) to the NSW Department of Planning, Housing and Infrastructure (DPHI) in response to the exhibition of proposed NSW Planning Reforms.

The DPHI is consulting on a proposed new complying development variations pathway and changes to complying development standards *under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* known as the Codes SEPP. DPHI is looking to expand Complying development capability to make allowance for variations to development standards that would otherwise require assessment and determination via a Development Application. The DPHI is also concurrently exhibiting a proposed low-rise housing and targeted assessment discussion paper. DPHI proposes the use of a targeted assessment pathway for the assessment of low-rise housing within a prescribed assessment period.

The following documents are on public exhibition and available for comment until the 24 June 2026:

- i. Variations and Changes to Complying Development – Explanation of Intended Effect (EIE), May 2026; and
- ii. Low-Rise Housing and Targeted Assessment Discussion Paper, May 2026

The draft submission objects to these reforms as the exhibited documents do not demonstrate that a more certain and efficient planning framework delivering good planning outcomes which are in the public interest will result. They introduce a risk of further complicating the planning framework and introducing inefficiencies and cost contrary to their objective. It is recommended that Council endorse lodging the attached draft submission in response to the exhibition material and the proposed planning reforms.

Background

Variations and Changes to Complying Development

The NSW Government is proposing a new complying development variations pathway and changes to complying development standards in the Codes SEPP based on the strategic

rationale of making the planning system faster, fairer and more outcomes focused. The proposed changes to the Code SEPP with respect to complying development include:

- i. Amendment to State Environmental Planning Policy (Exempt and Complying Development) to revise Complying Development controls for low-rise housing (including dwelling houses, secondary dwellings, attached dual occupancies and Multi Dwelling Housing). The proposed changes to complying development standards relate to demolition allowances, remedial works, revised setbacks and separation standards, revised housing design standards, revised privacy screen allowances, removal of floor level requirements for ancillary works in recognition of separate NCC requirements and changes to above ground rainwater tank requirements.
- ii. Introduction of a new Complying Development – Variation assessment pathway as an extension of existing Complying Development Certificate capability. The changes seek to allow for variations to prescribed development standards within the Code SEPP. The variation(s) must be considered by Council's Development Assessment Officers and must be determined within a 10-day prescribed period or concurrence is assumed. The standards proposed for variation allowance relate to height of buildings, gross floor area, front, side and rear setbacks, articulation zones, garage door widths, window requirements, dual occupancy lot dimensions, swimming pool locations and tree protection requirements.

The proposed reforms and exhibition material suggests that the current NSW planning system, specifically complying development, is currently too rigid. The Government has identified that development proposals that may only vary slightly from complying development standards are required to pursue a Development Application pathway. The outcome of which is taken to be a culmination of unnecessary paperwork, "bogging down Councils" in unnecessary process which on average, result in an additional 60 days of assessment duration.

To make the assessment of such proposals more proportionate and speed up the process, the changes propose to achieve the following:

- create greater flexibility within the complying development framework without compromising on good planning outcomes
- speed up the assessment of low-risk, low-impact development
- give applicants greater certainty of assessment timelines
- retain council oversight in assessing variations from existing development standards
- allow councils to re-focus their resources on more complex matters with bigger impacts.

See link for more information or Attachment 3: [Exhibition | Variations and changes to Complying Development](#)

Low-Rise Housing and Targeted Assessment

The NSW Government has released a discussion paper which proposes the use of a targeted assessment pathway for low-rise housing (one or two storeys such as dwelling houses, dual occupancies and multi-dwelling housing). Targeted assessment is to be a flexible, streamlined pathway for development that is low-impact, low-risk or has undergone detailed assessment at a strategic level. Residual assessment matters can be captured in the detailed controls and specific merit considerations that apply to the development.

The low-rise housing and targeted assessment discussion paper explores how a statewide low-rise housing code could be developed to simplify and align assessment pathways, including:

- a targeted assessment pathway designed to bridge the gap between complying development and a full development application being a maximum 50-day assessment duration for low rise housing development proposals that would not otherwise be allowable as complying development
- alignment and consolidation of complying development (CDC) standards and variations so that all approval pathways can be found in the one place
- clearly defined standards that apply to both the CDC and targeted assessment pathway to create greater consistency
- clearly defined objectives so that variations to CDC and targeted assessment standards can be assessed transparently and consistently
- alignment of definitions and permissibility through amendments to State Environmental Planning Policies to ensure standardisation of low-rise housing definitional terms and consolidation of complying development provisions into a single environmental planning instrument. A summary of the proposed Code SEPP changes is detailed within the attached Summary of the Explanation of Intended Effect (Attachment 2).

See link for more information or Attachment 4: [Exhibition | Low-rise housing and targeted assessment](#)

Proposed Code SEPP Reforms

The draft submission included as Attachment 1 seeks reconsideration, to the extent of abandonment, of the suggested Complying Development Variation planning pathway in recognition of the suggested outcomes intended by the concurrently exhibited Targeted Assessment Pathway.

While the DPHI have proposed a number of minor amendments to the Code SEPP development standards, there is no reason why the additional items identified for variation consideration cannot also be reflected within further changes to the Code SEPP controls. The proposition to involve Council in the assessment of a Complying Development Certificate is unnecessary and further complicates an already fragmented and convoluted planning framework.

The Government has proposed that a Complying Development Certificate (CDC) with variation once lodged in the NSW Planning Portal, must then be referred by the Certifier to Council to assess and determine the proposed variation. The Certifier will be afforded 10 days to assess and determine the CDC. The Council is afforded a further 10 days to assess the variation. It is unclear when the referral to Council must occur. The outcome of this proposition is that 2 x separate consent authorities must assess and determine separate and distinct aspects of the same Complying Development proposal to then inform if a favourable determination can be made. This is a hybrid of 2 x distinct assessment processes, that overcomplicates what should otherwise be a development application or a complying development certificate application and is not informing an efficient and effective outcome.

The proposition also has little regard to the workload currently being managed by Councils assessment officers which far exceeds the quantum of local DA's lodged and suggested within the exhibition material. Council is already assessing and providing extensive feedback on State Significant Development, State Significant Infrastructure and Review of Environmental Factors / Part 5 proposals by State Government Agencies which exceeds 100 referrals every year (for the past 5 years). Council is not the determination authority for these

proposals but is expected to invest considerable time and technical specialisation in the assessment of these proposals, to then inform the resulting recommendation and determination outcome by the Government. The proposed reforms add further imposition on Council resources via forced involvement in a CDC pathway where Council is not the Certifier. The changes will have the practical effect of deprioritising Council's opportunity to invest in the assessment of its own Development Application (DA) workload, prolonging the assessment of that DA workload, which is the very concern that has culminated in changes to the Code SEPP in the first place.

In addition to matters that should be reflected within amended SEPP controls, several variation allowances are fundamentally inappropriate outside of a development application pathway. The attached submission outlines the matters that warrant up front amendment in the SEPP (as changed to the development standards) or reconsideration and abandonment in favour of the existing development application planning pathway capability.

The proposed variation allowances which are not considered appropriate include:-

- i. Deletion of recessed garage door requirements (front setbacks) to allow garages to be flush with the ground floor building line. The draft submission suggests that this should not be allowable via a variation request and instead, the Code SEPP should provide articulation design requirements that may allow for a regularised setback in combination with inclusion of these design measures.
- ii. Allowance for variations to minimum lot widths to contemplate a dual occupancy development of 5m in building width with single garage widths. The draft submission outlined that, if a dual occupancy can proceed on lot widths of < 15m and down to 12m (to accommodate 2 x attached dwellings), then the garages will dominate the façade presentation being > 75% of the facade length of each dwelling. This is an inappropriate ground floor streetscape presentation. This outcome also prevents the planting of sufficiently spaced street trees between driveways that could grow to maturity and achieve height and canopy spread to address urban heat considerations.
- iii. Allowances for variation to tree protection requirements which seeks to permit encroachments within 3m of existing trees. The proposed reforms with respect to tree protection is unreasonable and inappropriate. The nomination of 3m as a starting point is an arbitrary number that does not have any relevance to an arboricultural assessment when determining impacts to trees. It is also inappropriate to rely on Council officers to peer review Arborist Reports as a mechanism for determining acceptable encroachment into the Notional Root Zone (NRZ) and Structural Root Zone (SRZ) if outside of a Development Application planning pathway. Proposed impacts of development within 3m of trees requires detailed site inspection, independent verification of NRZ and SRZ calculations, and critical evaluation of the methodology used to determine species tolerance to proposed impacts. This level of assessment is inherently complex and cannot reasonably be undertaken within the proposed 10-day assessment timeframe, especially when considered in combination with existing Development Application and Tree Permit assessment obligations. Requiring councils to undertake such detailed technical assessments within this timeframe would place an unreasonable and intensive resourcing burden on Council, at the expense of existing development application assessment and tree management functions.

Proposed Targeted Assessment Reforms

There is insufficient information detailed within the discussion paper to understand the likely implications of these reforms in recognition and combination with the concurrently exhibited changes to the Code SEPP. The rationale for the targeted assessment pathway is to expedite proposals that are not deemed to be suitable as complying development (or complying development with a variation) but are equally not seen to be of a complexity that warrants a Development Application. This is on the assumption that a Development Application will take approximately 100 days for determination. There is no analysis or recognition in the discussion paper as to why Development Application assessments may take this duration which largely stems from non-conformity with SEPP, LEP and DCP provisions. Such non-conformity warrants specific consideration of likely impact, public interest and site suitability. However, it is these specific heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 that are proposed to be removed and would not apply to the targeted assessment pathway.

The proposition in the discussion paper is that the targeted assessment pathway will also result in new development standards that will repeal the provisions that would currently apply from the Penrith Local Environmental Plan 2010 and the Penrith Development Control Plan 2014. It is suggested in the discussion paper that merit assessment capability would remain, however for a significantly reduced number of considerations. It is also suggested that this would simplify the planning layers in NSW for low rise housing projects. This notion is disputed as the proposed reforms introduce yet another planning pathway which cannot be taken to be a simplification of planning layers and is another example of further compounding layers and complexities in an existing convoluted pathway framework.

The proposed changes further erode the application of Councils adopted local controls and the setting of strategic expectations for the delivery of development in our community. Council is currently embarking on a staged review and contemporising of the Penrith Development Control Plan 2014. This has been attempted numerous times over the last 10 years but at each point of preparation, Government amendments to the NSW Planning System and revisions to State Environmental Planning Policies undermine and circumvents the objectives of those reforms which incurs considerable time, cost and delay.

The current DA pathway already exists for the assessment and determination of the targeted assessment typologies. If there is a suggestion that a determination consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979 need not apply in the assessment process and can be simplified, then these provisions warrant repeal in the Environmental Planning & Assessment Act 1979, with specific focus and a determination on what the new tests of appropriateness should entail to inform a new Part 4 DA process.

If there is a suggestion that an assessment process for low-rise housing should not take more than 50 days, then the Government is requested to recognise that negotiated outcomes may no longer be possible and proposals will be largely assessed and determined in the form as lodged through the NSW Planning Portal, without opportunity for refinement or improvement. This has the real potential to dramatically increase the quantum of appeals in the NSW Land Environment Court and incur considerable expense for all involved.

Until such time as the suggested new controls and objectives for target assessments are published for detailed consideration, it also cannot be suggested that the proposed reforms will improve and expedite assessment and determination processes. Instead, it is a real possibility that the changes will further complicate the current complex framework and will have the unintended effect of deprioritising Council's current DA assessment functions (non-targeted typologies but equally important) and result in a proliferation of poor planning and

development outcomes across the state. It is therefore critically necessary that future EIE's include the full set of draft standards, objectives and controls for targeted assessment development to enable detailed consideration and comment. To date the exhibited EIE's related to planning reforms are typically deficient in specificity eroding the ability for Council to ascertain the full scope of intended changes, the implication of those changes.

The attached submission also responds to a series of questions within the discussion paper that will inform the preparation and subsequent exhibition of an Explanation of Intended Effect for the proposed targeted assessment reforms. It is at this point that sufficient information may be made available to understand the real implications of the proposed reforms and make informed and meaningful comment.

Conclusion

DPHI with these proposed reforms underestimates the administrative, procedural and enquiry burden which will be placed on Councils to navigate potential pathways and CDC variations. They are at odds with good strategic planning providing for upfront certainty. Penrith City Council already 'targets' minor DA types for faster average timeframes and the introduction of a referral from Certifier to Council for variations introduces additional time, cost and unnecessary additional and/or duplicating processes which threaten to undermine sound planning assessment practice.

RECOMMENDATION

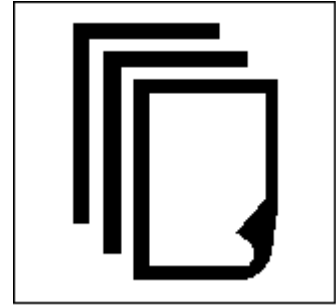
That:

1. The information contained in the report on Submission on Planning Reforms - Proposed Changes to Complying Development Standards, CDC Variations and Targeted Assessment for Low-Rise Housing be received.
2. Council endorses the submission at Attachment 1 on Variations and changes to Complying Development and Low-rise housing and targeted assessment for submission by the closing date of 24 June 2026.
3. The submission is uploaded as being "an objection" through the DPHI submission dashboard.

ATTACHMENTS/APPENDICES

1. Draft Council Submission - Variations and changes to Complying Development	20 Pages	Attachments Included
2. Summary of Explanation of Intended Effect Variations and changes to complying development	6 Pages	Attachments Included
3. Variations and changes to complying development - Explanation of Intended Effect	63 Pages	Attachments Included
4. Low-rise housing reforms and targeted assessment - Discussion paper	41 Pages	Attachments Included

ATTACHMENTS



Date of Meeting: Monday 15 June 2026

Report Title: Result of public exhibition and proposed changes to the Penrith Biodiversity Strategy 2026-2036

Attachments: Biodiversity Strategy Community Engagement Report - June 2026



DRAFT PENRITH BIODIVERSITY STRATEGY 2026-2036

COMMUNITY ENGAGEMENT REPORT

February 2026

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ACKNOWLEDGEMENT OF COUNTRY

We acknowledge and pay respect to the Darug and Gundungarra people who are the traditional owners in which Penrith Local Government Area is situated. We also pay our respect to elders past, present and emerging, and to the First Nations people living in our community today.

ABOUT THIS REPORT

This document is the Community Engagement Report relating to Penrith City Council's draft Biodiversity Strategy which was publicly exhibited from 10 November to 8 December 2025.

DISCLAIMER

While every effort has been taken to make sure the information in this document at the time of publication is current and accurate, information is constantly changing and may become out of date or inaccurate. In circumstances where loss, damage or injury is possible, please ensure you have accurate data. Council denies liability for any loss, damage or injury resulting from any person relying on information obtained by or through this document.

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1. EXECUTIVE SUMMARY

This report outlines the feedback received in response to public exhibition of the draft Biodiversity Strategy. This Strategy sets a clear vision for "nature positive" outcomes where biodiversity is not only protected but actively improved over the next 10 years.

The public exhibition process was guided by Council's Community Engagement Strategy. The purpose of the public exhibition was to give the community an opportunity to provide feedback. Community feedback plays an important role in establishing Council's vision and directions for protection and enhancement of biodiversity in the Penrith Local Government Area (LGA). The public exhibition was held via Council's Your Say online platform. This attracted 944 visits and 327 downloads from the site.

The public exhibition attracted 37 responses consisting of:

- 8 formal written email submissions
- 29 online surveys completed

The Your Say platform offered participants the opportunity to provide written responses to six questions about the draft Strategy.

Information on the “Your Say” page also include an FAQs section so help explain the purpose of the Biodiversity Strategy and what areas that it would apply to.

2. INTRODUCTION

The Penrith Biodiversity Strategy 2026–2036 sets a renewed direction for protecting and enhancing the city’s natural environment in response to growing urban pressures, climate change, and biodiversity loss. It builds on earlier efforts with a stronger focus on ecological resilience, legislative alignment and community engagement.

The proposed Strategy outlines six key priorities, including conserving threatened ecosystems, expanding habitat corridors, integrating First Nations knowledge, and embedding biodiversity into planning and design. It also responds to recent recommendations from the NSW Government’s Independent Review to achieve “nature positive” outcomes, shifting from reactive conservation to proactive restoration.

The draft Biodiversity Strategy was publicly exhibited from 10 November to 8 December 2025. Community members and stakeholders were given an opportunity to provide comment. This engagement report reviews and responds to the submissions that were received during the public exhibition period and incorporates feedback where appropriate.

3. PUBLIC EXHIBITION AND ENGAGEMENT ACTIVITIES

The draft Biodiversity Strategy was publicly exhibited from 10 November to 8 December 2025. The four-week exhibition period provided the community and stakeholders with an opportunity to provide feedback and play an important role developing the Strategy.

The public exhibition was advertised through a variety of channels:

- Council’s Your Say Penrith website (and linked to from Council’s main website homepage)
- Council’s social media pages (Facebook and Instagram)
- Direct email notification to relevant NSW Government agencies and stakeholder organisations

Communication Channels

Stakeholders and the community were invited to provide feedback through a variety of channels including:

- An online survey on the Your Say Penrith website
- Written submissions emailed/posted to Council
- Council’s social media posts (Facebook and Instagram).

4. ENGAGEMENT RESPONSE

The public exhibition activities attracted 37 responses.

The draft Biodiversity Strategy Your Say Penrith webpage attracted 944 visits and 327 downloads of the Strategy, resulting in:

- The ‘Your Say Penrith’ online survey attracting a total of 29 responses.

- 8 formal written submissions being received including from residents and community groups.
- No responses were received from NSW Government agencies.

Some respondents were referred from social media to the Your Say Penrith website. 26% visited the Your Say Penrith webpage directly, 16% used a search engine to access the Your Say Penrith website and only 7% were referred to the Your Say Penrith page from the Council website.

It is noted that while the Your Say page attracted 944 visits from individuals, only 29 online and eight written submissions were received during the exhibition period. The low number of submissions in proportion to the number of visits would suggest that the majority of people (97%) that visited the site did not have a strong enough position on the Strategy that was sufficient to motivate them to make a submission. This may be interpreted to mean most people have a favourable or neutral position in relation to the Strategy.

Social Media

Council social media posts about the draft Biodiversity Strategy on Facebook, and Instagram had a reach of 1,420, generating 488 visits to the Your Say Penrith webpage.

FORMAL WRITTEN SUBMISSIONS

There were 8 formal written submissions from stakeholders and community members providing comment by way of emails. The comments were acknowledged and considered along with the other feedback received.

Formal submissions were received from:

Three community groups

- Friends of Fernhill and Mulgoa Valley Inc.
- Mulgoa Valley Landcare Group
- Cumberland Land Conservancy

Five private individuals or landowners

The detailed issues raised in these formal submissions and responses are provided in Appendix A.

ONLINE SUBMISSIONS

During the public exhibition period it was observed that there were some concerns about the draft Biodiversity Strategy and the way it would impact private landowners and what they can and cannot do on their land. This information did not accurately reflect the draft Strategy's position and in response the "Your Say" page and FAQs were updated on multiple occasions to provide further clarification that the Penrith Biodiversity Strategy is not a statutory or regulatory instrument. It does not introduce new legal restrictions, alter zoning or

affect the permitted uses of private land. Participation by private landholders is entirely voluntary and there is no requirement for landowners to engage in biodiversity actions.

Despite efforts to explain the purpose of the Strategy some of the submissions did not respond directly to the content of the draft Strategy. In comparison to overall site visitation, the limited number of submissions that disagreed with the Strategy suggests broad understanding among respondents

Following the public exhibition period, Council sought to contact all respondents who provided contact details to discuss the Strategy and its implications. Council has successfully spoken with some of respondents, noting that others have not returned Council’s attempts to make contact.

There were 29 online submissions. General response themes are summarised in the table below. Individual submission summaries are provided in Appendix A.

During the public exhibition period, some commentary on social media raised concerns that were not aligned with, or were not supported by, the information presented in the draft Strategy. In response, Council updated the Frequently Asked Questions on the Your Say page during the exhibition period to address key themes associated with the information being circulated online and to provide additional clarification for the community.

Overall, the exhibition process provided opportunities for the community to access information, seek clarification, and provide feedback through multiple channels. While some submissions contained actionable recommendations, a proportion (19 out of 29) of online submissions did not respond directly to the content of the draft Strategy. Some submissions also consisted of minimal responses, such as single word comments (for example, ‘no’, ‘none’ or ‘nothing’), which limited the ability to understand specific concerns or identify suggestions for improvement.

Notwithstanding this, the engagement process helped Council to better understand community perceptions, areas of confusion and topics requiring clearer communication.

It is also worth noting that the Strategy attracted strong interest during the exhibition period, with 327 downloads and 944 visits.

Survey Question	Response theme
What do you like about the draft Biodiversity Strategy?	Majority ‘nothing’ (dislike of perceived private land impacts) Minority positive comments about corridors, species info, strong document
Do you agree with the aims/objectives of the Strategy?	Mainly ‘No’ (private property objections, overreach), some listed safety concerns about fires and snakes Some ‘Yes/Mostly with conditions’ (clarity, fairness, cost transparency)
Which proposed actions will have the greatest positive impact?	Large proportion: ‘None’ (especially those rejecting private land inclusion) Supportive group highlights: biodiversity corridors, and clearing enforcement, pest/weed control, river management

What information or education would help you better support biodiversity?	Many respond 'None' (due to opposition to Strategy) Others want clear rules for private land, cost implications of Strategy to private landowners. Supportive responses would like to see education, maps, native planting guides, workshops, tours, school programs
Favourite areas of the City & what makes them special	Common favourites: Nepean River, Werrington Lake, Castlereagh, Jamison Park, bushland reserves Some responses say "none" or "my house" (as a form of rejection of Strategy)
Does the Strategy adequately foster nature connection and care?	Majority say no due to lack of consultation, private-land concerns, safety fears, costs Positive responses say yes and some say that more could be done

Online submissions were categorised into whether they contained actionable or non-actionable feedback.

Non-Actionable Submissions (10 of 29)

These submissions generally disagreed with the Strategy due to the perceived restrictions and controls that would be imposed on private land. They did not provide actionable ideas. Examples include one-word dismissals ('None', 'Nothing'), emotional objections.

Actionable Submissions (19 of 29)

Actionable submissions were those considered to be those that provided feedback that would help inform the Strategy. A number of these submissions (10 of 19) provided only limited actionable feedback. The feedback centred around perceived safety concerns that may arise from action implementation related to increased bushfire risk and encounters with wildlife in particular snakes.

The remaining portion of these submissions (9 of 19) were generally in support of the Strategy and contained positive suggestions, such as speed-limit reductions for wildlife, weed/feral animal control, dumping enforcement, document/image corrections, improved communication, mapping clarity, incentives for landowners, milestones, and compliance enhancements.

Some of these submissions recommended actions to support biodiversity. These are summarised below.

Compliance, Enforcement and Monitoring

Submissions recommend that Council strengthen compliance, enforcement and monitoring to ensure biodiversity protections translate into real on-ground outcomes. Respondents express concern that illegal clearing, vegetation damage and misuse of public land continue to occur. There is a strong expectation that Council visibly resource compliance activities, improve follow-up on breaches and demonstrate accountability through effective enforcement.

Support and Incentives for Private Landholders

Many submissions emphasise that much of the LGA's biodiversity occurs on private land and recommend increased support for landholders who protect or enhance biodiversity. Respondents call for clearer incentives, stewardship opportunities and practical assistance.

Urban Planning and Development Controls

Submissions recommend that Council more strongly integrate biodiversity considerations into urban planning and development processes. Respondents support tighter controls on excessive hard landscaping, stronger retention of mature trees and increased canopy cover in new developments. Some respondents link biodiversity protection to urban heat mitigation and liveability, highlighting the need to align biodiversity objectives with broader housing, growth and infrastructure strategies.

Protection and Restoration of Corridors and Key Landscapes

Respondents strongly support additional Council action to protect and restore biodiversity at a landscape scale. Submissions advocate for the protection of undeveloped land, drainage lines, road reserves and riparian corridors, particularly along the Nepean River and gorge system. There is also recognition of the biodiversity value of areas such as golf courses and Crown Road reserves, with calls for these to be actively managed as part of a connected habitat network.

Pest, Invasive Species and Fauna Management

Pest plant and animal management is identified as a priority area for enhanced Council action. Respondents recommend improved coordination, increased resourcing and stronger partnerships across land tenures.

Implementation, Resourcing and Accountability

Several submissions stress the need for clearer implementation planning to support delivery of biodiversity outcomes. Respondents recommend that Council develop a costed implementation plan that identifies staffing and resource commitments and includes interim milestones.

Education, Communication and Community Engagement

Submissions recommend that Council expand education and engagement initiatives to better support biodiversity outcomes. Respondents call for accessible, locally relevant information such as native planting guides, wildlife-friendly gardening advice and clear biodiversity maps. There is also support for practical engagement activities, including workshops, bushland tours and school excursions.

Governance and Cross-Council & Agency Integration

Some submissions recommend stronger governance arrangements to ensure biodiversity considerations are embedded across all Council functions. Respondents emphasise the need for consistent application of biodiversity controls across Council, State agencies and other public land managers. There is also support for recognising and incorporating First Nations land-care knowledge as part of a more integrated approach to biodiversity management.

PRIVATE LANDOWNER WRITTEN SUBMISSIONS

All five private landowner submissions appeared to be based on information that did not fully reflect the intent of the Strategy. Consistent with the approach taken for online submissions where contact details were provided, Council sought to contact these respondents following

the public exhibition period to discuss the Strategy and its implications. Council was able to successfully engage with some respondents, noting that others have not responded to repeated contact attempts. The five private landowner submissions are summarised into general themes below with individual private landowner submissions summaries provided in Appendix B.

All five submissions expressed concern about the inclusion of private land in biodiversity mapping, with each respondent objecting to what they view as Council overreach into privately owned properties. Common themes include lack of notification or consultation, with residents emphasising they were unaware of the mapping changes and feel blindsided, uncertainty about future land use restrictions, including fears about limits on routine property maintenance, increased compliance obligations, and impacts on safety (e.g. bushfire hazard reduction).

Several submissions raise concerns that the Strategy may unintentionally increase safety risks to residents through revegetation projects in close proximity to private land and community areas. These concerns were centred around increased bushfire risk and increased snake encounters.

Several submissions raise concerns about potential financial impacts, including reduced property value, higher development costs, inequitable treatment compared with unaffected neighbouring properties, and the expectation to pay full rates despite new limitations. There is a shared request for clear, honest, written clarification from Council, with submitters seeking detailed explanations of how the Strategy and associated State mapping will affect everyday land use, development potential, and their rights as landowners.

Overall, the submissions call for removal of private properties from mapped biodiversity areas unless landowners voluntarily opt in and urge Council to focus biodiversity protections on publicly owned land rather than imposing mandatory controls on private holdings. Appendix B contains summaries of individual submissions.

COMMUNITY GROUP WRITTEN SUBMISSIONS

Three community group submissions were received from Friends of Fernhill and Mulgoa Valley Inc. (FFMV), Mulgoa Valley Landcare Group (MVLG) and Cumberland Land Conservancy (CLC). Overall, the submissions support the intent of the Biodiversity Strategy but provide a number of recommendations for inclusion. A summary of key recommendations is provided below and provided individually in Appendix C, D & E.

Strengthen and Expand Landscape-Scale Conservation Corridors

All three submissions emphasise the need for a stronger focus on large, continuous biodiversity corridors rather than fragmented habitats. They highlight the importance of east-west linkages connecting the Blue Mountains, Mulgoa Valley and the broader Cumberland Plain, including specific recognition of the Kingshill corridor and the historic Cumberland Conservation Corridor.

Improve Recognition and Protection of Fauna, Particularly Large Terrestrial Species

Both CLC and the MVLG recommend stronger recognition of macropods (kangaroos and wallabies) as legitimate components of local ecological communities, rather than being treated as pests or ignored due to their non-listed status. They argue that current planning frameworks fail to address the habitat and movement needs of large terrestrial fauna, leading to conflict, population decline, and reactive management. Suggestions include proactive corridor planning, accommodating fauna within urban and peri-urban landscapes, and avoiding culling-based responses.

CLC raised a concern about the use of chemical herbicides on council land including sports fields adjacent to bushland and how this may impact of native graminivores (animals that graze on grass) such as the eastern grey kangaroo.

Impact of Roads on Fauna Movement

CLC highlighted concerns about the impacts of roads and other transport infrastructure on fauna movement and habitat connectivity. The submission emphasised that roads act as significant barriers for terrestrial fauna, contributing to habitat fragmentation and increased risk of population decline, particularly for larger ground-dwelling species. While recognising that major infrastructure is largely permanent, the respondent stressed the importance of mitigation measures, such as fauna overpasses and underpasses, being incorporated during road upgrades to maintain landscape connectivity.

Greater Protection of Koalas

MVLG emphasises that identifying and protecting koala corridors is critical to supporting the return of koalas to the Mulgoa Valley. They state that the Mulgoa Valley and Lower Blue Mountains have been identified by the NSW Government as a Priority Investment Area for koala habitat restoration, due to the presence of suitable food trees, shelter, and connectivity to core habitat. MVLG argues that koala movement corridors along the Blue Mountains escarpment, extending south through Silverdale, are essential. They further recommend that Penrith City Council explore inclusion of Mulgoa and selected surrounding suburbs (such as Wallacia and Castlereagh) in the State Environmental Planning Policy Biodiversity Conservation and Conservation (2021) – Chapter 3 Koala Habitat Protection. They propose a partial inclusion approach limited to areas most likely to support koala. MVLG considers this a practical way to provide planning certainty and species protection while reducing controversy and developer pushback, and they encourage Council to pursue this as a short-term goal.

Strengthen Action on Invasive Species

Both Friends FFMV and MVLG identify invasive plant species as a significant driver of biodiversity decline in the Penrith LGA. FFMV specifically criticises Council for failing to adequately control weeds along Council-managed rural roads, noting that these weeds are spreading into adjoining paddocks and bushland. They argue that insufficient on-ground weed control undermines biodiversity outcomes and that resources have been misdirected toward signage and education rather than active management.

Illegal Land Clearing

FFMV and MVLG state that unauthorised land clearing is a key factor in the loss of biodiversity from the LGA. They argue that existing enforcement mechanisms for illegal land clearing are inadequate. MVLG calls for significantly higher penalties to act as a real deterrent. They argue that under illegal land clearing is effectively incentivised because court-imposed penalties are far lower than the cost of complying with approval processes, such as ecological assessments and offsets. As a result, they contend that some landholders choose to clear illegally because it is cheaper to risk enforcement than to comply with planning and environmental requirements. MVLG calls for more decisive compliance action and significantly higher penalties to act as a real deterrent.

Improve Mapping Accuracy and Integration

Both MVLG and FFMV recommend improving biodiversity mapping accuracy and better use of existing datasets, ground-truthing, and clearer integration of biodiversity mapping with other Council strategies and planning instruments.

Increase Incentives and Support for Biodiversity Conservation on Private Land

FFMV and MVLG emphasise that most remaining biodiversity occurs on private land and recommend improved incentives, financial support mechanisms, stewardship programs, and enhanced support for initiatives such as Land for Wildlife, including a possible Council coordination role.

Improve Resourcing, Coordination and Long-Term Commitment to Biodiversity Actions

The submissions all highlight the need for increased resourcing, stronger partnerships, improved coordination, and long-term commitment to ensure the Strategy's objectives are effectively implemented and maintained.

Elevate the Strategic Importance of the Mulgoa Valley

FFMV and MVLG advocate for formal recognition of the Mulgoa Valley as a conservation area, suggesting mechanisms similar to Heritage Conservation Areas or Local Biodiversity Areas to protect its ecological, scenic and cultural values.

5. RESPONSE TO SUBMISSIONS

ONLINE AND WRITTEN SUBMISSIONS

Community feedback on the Draft Penrith Biodiversity Strategy received from both online and private highlighted several recurring themes, particularly concerns around private-land impacts, mapping, communication, and safety. A proportion of the submissions did not provide detailed information to support their concerns. A response to key themes of concern is provided below.

Clarifying the Purpose and Role of the Biodiversity Strategy

The Penrith Biodiversity Strategy is a non-statutory planning document developed to guide Council's actions and priorities, not to regulate private land. It does not change zoning, land-use permissions, or introduce legal restrictions. Participation by private landholders is voluntary. The maps included guide Council's planning and do not impose controls on private properties.

Understanding the Mapping of Corridors and Significant Areas

The mapping used in the Strategy is not regulatory. Its purpose is to identify areas of ecological significance, support Council's ability to secure grant funding, and inform opportunities for voluntary collaboration. It aligns with biodiversity best practice and State reforms.

Addressing Concerns About Safety and Property Management

The Strategy does not affect residents' ability to maintain their land, including mowing, hazard reduction, or tree management. Future implementation of the Strategy will incorporate risk management, particularly for fire safety and property access. Additional information in regard to this will be provided in the Strategy and is detailed in Chapter 6 below.

Distinguishing Council's Strategy from State Government Legislation

The Strategy is separate from State biodiversity legislation and does not impose restrictions or planning controls on private properties.

Biodiversity Actions on Private Land

Actions relating to private land are voluntary. The Strategy's priority actions will be delivered first on Council land, with private landholder involvement only where interest exists.

Compliance, Enforcement and Monitoring

Council acknowledges community concerns regarding compliance, enforcement and monitoring, particularly in relation to illegal clearing of native vegetation. The Strategy identifies illegal clearing as a critical and escalating threat to biodiversity in the LGA and prioritises strengthening Council's response to this issue. The Strategy includes specific actions to improve investigation and enforcement processes, including a best-practice review of other councils' approaches to managing illegal vegetation clearing and updating Council's Compliance and Enforcement Guidelines (Action 6.6), as well as a review of compliance enforcement policies and procedures to ensure best-practice investigation processes explicitly consider biodiversity outcomes (Action 6.10). To support more effective and targeted investigations, the Strategy also commits to developing and regularly updating a geospatial mapping tool to identify high-value biodiversity sites and assist compliance staff in prioritising enforcement responses where illegal clearing would have the greatest ecological impact (Action 6.8). Together, these actions demonstrate Council's commitment to strengthening compliance, enforcement and monitoring to better protect biodiversity over the life of the Strategy

Support and Incentives for Private Landholders

Council acknowledges community feedback regarding the need for greater support and incentives for private landholders, recognising that a significant proportion of Penrith's biodiversity, including many threatened ecological communities and species, occurs on privately owned land. The Strategy identifies private land conservation as critical to achieving LGA wide biodiversity outcomes and includes actions to support and encourage landholders to protect and enhance biodiversity on their properties. This includes commitments to compliance monitoring paired with education, promoting stewardship and conservation agreement opportunities such as those offered through the NSW Biodiversity Conservation Trust and Land for Wildlife programs, and improving communication with landholders about biodiversity values and management options (Goal 4). The Strategy also commits to identifying potential stewardship agreement sites and engaging directly with landholders to raise awareness of voluntary conservation mechanisms and support programs (Action 4.9), alongside integrating biodiversity considerations into planning controls to provide clearer, more consistent guidance for private landholders (Goal 6). These actions demonstrate Council's intention to complement regulatory frameworks with education, incentives and partnerships to support private landholders in conserving and enhancing biodiversity outcomes and includes actions to support and encourage landholders to protect and enhance biodiversity on their properties.

Urban Planning and Development Controls

Council acknowledges community feedback regarding the need for stronger integration of biodiversity considerations into urban planning and development. The Strategy recognises that planning controls play a critical role in protecting and enhancing biodiversity as Penrith continues to grow and includes a suite of actions to improve outcomes through the planning system. Under Goal 6: Staff Training & Compliance Communication, the Strategy commits to reviewing and updating Council's Local Environmental Plan, Development Control Plan and strategic planning documents to better protect biodiversity and align with best-practice and State frameworks (Actions 6.1 and 6.2). The Strategy also includes actions to develop clearer biodiversity guidelines for developers, prepare Vegetation Management Plan guidelines, and improve staff training to ensure biodiversity considerations are embedded early in planning and development assessment processes (Actions 6.4 and 6.5). In addition, the Strategy promotes the integration of biodiversity into urban design through updated Council design, construction and maintenance guidelines and the application of biodiversity-sensitive urban design principles in Council projects and future precinct

planning (Actions 2.1 and 2.2). These actions demonstrate Council's commitment to strengthening urban planning and development controls to better protect biodiversity while supporting sustainable growth across the LGA.

Protection and Restoration of Corridors and Key Landscapes

Council acknowledges community feedback regarding the protection and restoration of biodiversity corridors and key landscapes, recognising their critical role in supporting species movement, habitat connectivity and long-term ecological resilience. The Strategy places strong emphasis on a landscape-scale approach, identifying LGA-wide corridors of significance and priority precinct sites as a focus for coordinated action. Under Goal 1: Maintaining Biodiversity, the Strategy commits to minimising threats to nature at priority sites and corridors, improving conservation management of key public bushland reserves, and addressing unauthorised activities such as illegal clearing, dumping and encroachment that degrade corridor function (Actions 1.1, 1.8 and 1.16). The Strategy also includes targeted priority projects to protect and enhance riparian corridors, unformed roads and urban linkage areas, particularly along the Nepean River and major creek systems, and promotes collaboration with private landholders where corridors cross land tenures. Together, these actions demonstrate Council's commitment to protecting and restoring corridors and key landscapes as an integrated network that underpins biodiversity outcomes across the LGA

Pest, Invasive Species and Fauna Management

Council acknowledges community feedback regarding pest, invasive species and fauna management and recognises these pressures as significant ongoing threats to biodiversity. The Strategy identifies invasive plants and animals as key drivers of biodiversity decline and includes a range of actions to strengthen Council's approach through best-practice, coordinated management. Under Goal 1: Maintaining Biodiversity, the Strategy commits to developing and implementing guidelines for invasive flora and invasive vertebrate pest management on Council-owned land and integrating these into Plans of Management for key reserves (Actions 1.3 and 1.5). The Strategy also recognises the importance of education and partnerships, including community education on invasive species, collaboration with other councils and State agencies, and the application of evidence-based and humane management approaches where fauna control is required. Together, these actions demonstrate Council's commitment to reducing the impacts of pest and invasive species through coordinated management, improved guidance and partnerships that support long-term biodiversity outcomes across the LGA.

Implementation, Resourcing and Accountability

Council acknowledges community feedback regarding the importance of clear implementation, resourcing and accountability to ensure the Biodiversity Strategy delivers measurable outcomes. The Strategy includes a defined implementation and monitoring framework that embeds biodiversity actions into Council's integrated planning, budgeting and reporting processes. The Strategy establishes formal governance structures, including a cross functional Biodiversity Advisory Group, to oversee delivery, support coordination and address barriers to implementation. It also commits to regular monitoring, evaluation and reporting progress, with periodic reviews to enable adaptive management over the life of the Strategy.

Council's current biodiversity programs are funded by a combination of general Council revenue and grant funding. Council has an annual budget and program of works for the implementation of biodiversity programs that sits alongside other Council priorities. The ability to deliver the priorities in this Strategy in the stated time frames will be partly linked to the success of securing external grant funding, the availability of Council funding given other Council priorities and in-kind collaborative contributions.

Education, Communication and Community Engagement

Council acknowledges community feedback highlighting the role of education, communication and engagement in achieving long-term biodiversity outcomes. The Strategy recognises that an informed and engaged community is critical, particularly given the extent of biodiversity on private land. Under Goal 4: Promoting Healthy Community, the Strategy includes actions to expand community education, nature-based engagement and accessible biodiversity resources, including workshops, citizen science, school engagement, site-based signage and improved online information. The Strategy also commits to targeted communication with private landholders near priority sites to improve understanding of biodiversity values and reduce impacts such as illegal clearing

Governance and Cross-Council Integration

Council acknowledges feedback calling for stronger governance and better integration of biodiversity considerations across Council functions. The Strategy adopts a whole-of-Council approach, recognising that biodiversity outcomes are influenced by planning, compliance, asset management, infrastructure delivery and community services. The Strategy establishes cross-Council governance arrangements through a Biodiversity Advisory to embed biodiversity into decision-making and ensure consistent application across departments. It also includes actions to improve staff training and align planning, compliance and operational processes so biodiversity objectives are integrated across Council activities

COMMUNITY GROUP SUBMISSIONS

Landscape-Scale Conservation Corridors

The Biodiversity Strategy places a strong emphasis on the importance of biodiversity corridors as a fundamental mechanism for maintaining ecological connectivity across the Penrith LGA. The Strategy's priority projects have been deliberately designed to enhance corridor connectivity, particularly by strengthening links between existing areas of high ecological value. Council acknowledges that large, contiguous corridors provide the greatest ecological benefit and are the preferred outcome for long-term biodiversity resilience. However, Council's ability to deliver continuous corridors is constrained by land tenure and ownership, with much of the land within identified corridor areas being privately owned or managed by other agencies. In response to these constraints, the Strategy adopts a pragmatic and achievable approach by focusing on direct conservation and restoration works on Council-owned land, while also providing education, guidance and voluntary support to private landowners who wish to undertake biodiversity conservation on their properties. While Council recognises that "stepping-stone" habitats do not deliver the same level of connectivity as fully contiguous corridors, these areas still play an important role in supporting movement, foraging and refuge for a wide range of fauna groups. The ongoing enhancement and management of these sites is therefore considered a valuable and necessary contribution to maintaining ecological processes and improving connectivity across the LGA.

Council acknowledges the importance of the Kingshill corridor as a landscape-scale conservation linkage. The Kingshill corridor is recognised in both the Penrith Biodiversity Study and the draft Penrith Biodiversity Strategy, where it is identified as a corridor of significance (Corridor 17). While its strategic ecological value is acknowledged, the corridor was not identified as a priority precinct site in the draft Strategy due to limited opportunities for Council-led on-ground works, as the land is predominantly in private ownership. It is noted that portions of the Kingshill corridor are identified as Strategic Conservation Land under the Cumberland Plain Conservation Plan, providing an additional layer of recognition

and protection. The corridor is not currently mapped on Council's Natural Resource Sensitive Land Map; however, this will be reviewed as part of future LEP updates to ensure alignment with updated biodiversity evidence and strategic planning frameworks. In addition, the corridor will

Improve Recognition and Protection of Fauna, Particularly Large Terrestrial Species

Council acknowledges the concerns raised by community groups regarding the recognition and protection of large terrestrial fauna, including macropods, as legitimate components of local ecological communities. Council recognises that all native fauna species are protected under the *Biodiversity Conservation Act 2016*, not only those listed as threatened, and acknowledges the ecological, cultural and iconic significance of species such as the Eastern Grey Kangaroo within the Penrith LGA. At the same time, Council's ability to regulate or impose species-specific protections is constrained by state legislation and state-led planning frameworks, particularly for State Significant Development. The Biodiversity Strategy adopts a landscape-scale approach that seeks to support fauna. Council will continue to advocate to the NSW Government for the inclusion of fauna corridors and habitat connections in state-led precinct planning and infrastructure projects. The Strategy includes actions to improve outcomes for fauna through measures such as fauna crossings, traffic calming and warning signage (Action 1.1), the application of biodiversity-sensitive urban design principles in planning and precinct development (Action 2.6), preparation of developer biodiversity guidelines (Action 6.4), and future opportunities to strengthen protections for native fauna through scheduled reviews of the Development Control Plan (Action 6.2). Together, these actions aim to better accommodate native fauna within a growing urban landscape while operating within the existing legislative framework.

Council recognises community concerns regarding the potential impacts of herbicide use on native fauna, including eastern grey kangaroos that are known to graze on sports fields and other open grassed areas. The Strategy responds to this through Action 1.3 (Invasive vertebrate pest management) and Action 1.5 (Invasive flora management), which are specifically focused on the development of LGA-wide best-practice guidelines for land management on Council-owned land. These actions will include a review of current pesticide and herbicide use on Council land and properties, with the intent to guide how weed and pest management can be undertaken in a way that eliminates or minimises risks to native fauna. Once developed, these guidelines will be integrated into Plans of Management and applied in priority areas, ensuring that vegetation management balances effective weed control with the protection of wildlife such as the eastern grey kangaroo.

Impact of Roads on Fauna Movement

Council acknowledges community concerns regarding the impacts of roads and traffic on fauna movement and habitat connectivity. The Penrith Biodiversity Strategy recognises vehicle strike and infrastructure barriers as a key threat to terrestrial fauna and includes targeted actions to address this issue. In particular, Action 1.1 commits Council to working towards the delivery of fauna-friendly roads, incorporating fauna crossings, appropriate traffic calming devices, warning signage and exclusion fencing at priority locations.

Koala Protection

Council recognises the importance of koala conservation and acknowledges community interest in strengthening protections for koalas within the Penrith LGA. While Penrith contains areas of suitable koala habitat and has recorded koala sightings, the LGA is not currently identified as one of the 19 priority koala populations for immediate investment under the NSW Koala Strategy. As a result, Penrith does not attract the same level of direct State funding or regulatory focus as those priority areas. The Blaxland Area of Regional Koala Significance (ARKS) extends across the boundary of the Blue Mountains and Penrith

LGAs; however, Penrith has historically been excluded from key State Environmental Planning Policies relating to koala habitat protection. Consequently, state-level consideration of koalas within Penrith generally falls within the “knowledge gap” category, where the emphasis is on baseline surveys, monitoring and improved understanding of koala presence rather than immediate regulatory or habitat-restoration interventions. Within this context, Council's Biodiversity Strategy seeks to take a proportionate and evidence-based approach by recognising koala habitat values, supporting improved ecological connectivity, and aligning local actions with State policy settings, while avoiding commitments that exceed Council's statutory role or available State recognition frameworks.

Strengthen Action on Invasive Species

Council acknowledges community concerns regarding the management of invasive plant and pest species and recognises their significant impact on biodiversity across the Penrith LGA. Council allocates its vegetation management budget based on risk and priority, focusing on areas of highest ecological value, threat levels and operational need. This work is undertaken in collaboration with the Western Sydney Weeds Authority, which provides coordinated, region-wide weed management to ensure resources are targeted effectively and consistently. In addition to on-ground weed control, Council notes that the purple roadside biodiversity signage program is an important management tool for protecting native vegetation, including threatened species and ecological communities on Council land. These signs identify areas of significant roadside vegetation, assisting Council staff, contractors and private landowners to recognise sensitive sites and avoid unintended damage during maintenance or land management activities. While signage is not a substitute for weed control, it plays a complementary role by supporting awareness, compliance and long-term protection of high-value vegetation assets as part of an integrated weed management approach.

Illegal Land Clearing

Council acknowledges community concerns regarding illegal land clearing and recognises it as a significant threat to biodiversity across the Penrith LGA. The Biodiversity Strategy includes a range of targeted actions specifically designed to address illegal clearing through prevention, coordination, protection of vulnerable sites and continuous improvement of compliance practices. In particular, Action 1.10 commits Council to investigate opportunities for a roundtable with government infrastructure providers to improve vegetation management practices, reduce vegetation damage by contractors, and address issues such as unauthorised clearing associated with infrastructure maintenance. Action 1.16 focuses on improving the protection and management of roadside and unformed road vegetation, which are areas particularly vulnerable to incremental clearing by residents, through audits, cross-team coordination and targeted investment. In addition, Action 6.6 commits Council to undertaking a best-practice review of other councils' approaches to managing illegal vegetation clearing, with the intent of strengthening Council's Compliance and Enforcement Guidelines where appropriate.

Council notes that penalties for illegal land clearing, including those imposed by the courts, are determined under State legislation and are beyond Council's direct control. However, Council has previously advocated, and will continue to advocate, to the NSW Government for stronger penalties and enforcement mechanisms where these are shown to be necessary to deter illegal clearing. Collectively, these actions demonstrate that the Strategy already places strong emphasis on reducing illegal land clearing through a combination of advocacy, improved governance, site-based protection, education, inter-agency coordination and enhanced compliance processes, rather than relying on a single regulatory response.

Improve Mapping Accuracy and Integration

Council acknowledges the importance of accurate, accessible and integrated biodiversity mapping to support informed decision-making, transparency and effective implementation of the Biodiversity Strategy. Council is committed to improving biodiversity mapping and datasets over time, as reflected in Action 6.8 of the Biodiversity Strategy, which provides for the development and regular updating of a geospatial mapping tool that identifies biodiversity values across the Penrith LGA. The mapping used in the Strategy is not regulatory and is not separate to the NSW Government's Biodiversity Values Map initiative. This action is intended to improve Council's understanding of which sites and corridors are most important for biodiversity, support prioritisation of actions, and promote consistent use of data across Council teams and with the community. Council recognises that biodiversity data evolves as new information becomes available and will continue to refine mapping through improved datasets, integration with existing State and regional information, and ongoing review to ensure the Strategy remains evidence-based and responsive.

Increase Incentives and Support for Biodiversity Conservation on Private Land

Council acknowledges the importance of supporting biodiversity conservation on private land, particularly given that a significant proportion of remaining biodiversity within the Penrith LGA occurs outside Council ownership. Council notes that many private land conservation programs are administered by NSW Government agencies, including the Biodiversity Conservation Trust and other State-led initiatives, which are responsible for establishing program frameworks and setting financial incentives and stewardship payments. While Council does not control the design or funding levels of these State schemes, the Biodiversity Strategy includes a range of actions that support and enable private land conservation through education, guidance, collaboration and facilitation.

These actions include supporting revegetation on private land adjoining priority riparian corridors (Action 1.19), developing Vegetation Management Plan guidelines to assist landholders and developers in managing vegetation appropriately (Action 6.5), and delivering targeted education, engagement and communication programs for private landholders in high-biodiversity areas (Actions 4.3, 4.8 and 4.11). The Strategy also commits Council to identifying opportunities for voluntary stewardship and conservation agreements (Action 4.9) and to promoting existing programs such as Land for Wildlife, which are voluntary and non-binding for landowners. Through these actions, Council's role is to support landholders to access information, build capacity, understand biodiversity values on their land and engage with available State programs, while undertaking direct conservation works primarily on Council-managed land.

Improve Resourcing, Coordination and Long-Term Commitment to Biodiversity Actions

Council acknowledges the importance of strong governance, coordination and long-term commitment to successfully deliver biodiversity outcomes across the Penrith LGA. The Biodiversity Strategy establishes a clear implementation framework, including the formation of a cross-functional Biodiversity Advisory Group, comprising representatives from key Council departments, to coordinate delivery, monitor progress and address barriers to implementation. This group will be supported by a senior Council Steering Committee, which will provide strategic oversight and assist in resolving major constraints, ensuring biodiversity actions are embedded across Council operations rather than delivered in isolation.

The Strategy also includes a number of actions specifically aimed at strengthening partnerships and coordination, including engaging with other Western Sydney councils and regional organisations (Action 5.3), collaborating with State Government agencies on shared biodiversity priorities such as compliance and corridor protection (Actions 6.6 and 6.9), and supporting partnerships with community groups, landholders and non-government

organisations (Actions 4.10 and 5.1). These actions recognise that biodiversity conservation requires coordinated effort across multiple land tenures and jurisdictions.

In relation to resourcing, Council notes that biodiversity programs are funded through a combination of internal operational budgets and external grant funding. Council will continue to actively pursue State and Commonwealth environmental grants to supplement internal resources and expand the scale and impact of biodiversity projects where opportunities align with Strategy priorities. The Biodiversity Strategy provides a clear strategic framework to support grant applications and partnerships, enabling Council to leverage external funding and in-kind contributions while maintaining a long-term, adaptive approach to biodiversity protection and enhancement.

Elevate the Strategic Importance of the Mulgoa Valley

Council acknowledges the strategic importance of the Mulgoa Valley and notes that the area already benefits from significant protections at a state level, including through existing State planning and conservation frameworks. These mechanisms provide a strong baseline for protecting the environmental values of the Mulgoa Valley. Further consideration of additional local planning protections, including mapping and development controls, will be considered as part of future reviews of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) to ensure ongoing alignment with updated biodiversity evidence and strategic priorities.

6. PROPOSED CHANGES TO THE STRATEGY

The online and private written submissions included responses based on information that did not fully reflect the intent of the Strategy and some only provided limited recommendations of how to improve the Strategy. In response to these submissions, minimal changes are considered necessary to the core direction of the Biodiversity Strategy because the concerns expressed largely stem from inaccurate information about the Strategy's purpose, status, and effect. In particular, a number of submissions incorrectly linked the Penrith Biodiversity Strategy to the NSW Biodiversity Conservation Act, the Biodiversity Offset Scheme, and the NSW Biodiversity Values Map. The Penrith Biodiversity Strategy is not a statutory regulatory instrument, and this was emphasised throughout the public exhibition material. The Strategy does not impose legal restrictions, change zoning, or affect what private landholders can do on their land, and all involvement by landowners is voluntary. The mapping contained in the Strategy serves to identify ecological values and guide Council's priorities on Council-managed land and voluntary partnerships, not to regulate private property. Notwithstanding the above an additional paragraph to clarify the Strategy's purpose and intent has been added to the executive summary to bring this to the absolute forefront of the document.

This process will ensure that relevant risks are appropriately considered, documented and managed, and may assess factors such as public safety, environmental risk, operational feasibility, regulatory obligations, compliance and community impact. The outcomes of this process will inform decision making at appropriate stages of action planning and delivery

To address community concerns about safety, maintenance and the practical implications of future biodiversity actions, the final Strategy will include a strengthened implementation section outlining how risks will be assessed and managed before projects or actions proceed. Actions that, due to their scope or potential impact, may pose risks will be subject to Council's risk assessment process prior to implementation. This addition makes clear that actions under the Strategy will be subject to Council's formal risk assessment process, ensuring that factors such as public safety, environmental risk, operational feasibility, compliance obligations, and community impact are thoroughly considered, documented, and

addressed prior to implementation. The updated section also explains that risk is not static and that Council will regularly revisit and reassess risks over the life of the Strategy as circumstances or community perceptions evolve. Where risks are identified, Council may modify the scope, timing or design of actions, implement mitigation measures, or determine that an action cannot proceed if risks remain unacceptable. Importantly, the Strategy now commits to providing justification where actions are not progressed due to risk and, where appropriate, engaging stakeholders as part of this risk-based decision-making process. This ensures that community safety and operational practicality remain central to all implementation planning.

To address community group concerns regarding the accuracy and coverage of biodiversity corridor mapping, including the Kingshill corridor, additional detail will be included under Action 6.2 (LEP and DCP review) to explicitly commit to reviewing Council's Natural Resources Sensitive Land Map to consider additional areas identified as having high biodiversity value and to better reflect the sites and corridors of significance identified in this Strategy.

Additional editing changes are to be incorporated into the final Biodiversity Strategy document. These include:

- Replace the image on Figure 5. (Saltwater Coast Vic) with a local image from Thornton Canal.
- Replace incorrect Image (bottom centre Page 74) with correct image of Long-nosed Bandicoot.
- Update link under "Sign up to the Council Newsletter..." (currently links to visitor information) to <https://www.penrithcity.nsw.gov.au/community-library/community/our-place>
- Correction of spelling mistakes identified in document
- Correction of formatting inconsistencies

Submissions received during consultation raised a wide range of suggestions for additional actions, refinements and areas of detail that could be incorporated into the Biodiversity Strategy. This report has sought to group these suggestions into common themes where possible, to ensure they are considered in a structured and coherent way. While not all individual suggestions are explicitly referenced within the final list of actions within the Strategy, the actions have been deliberately framed to allow for a broad scope of matters to be considered over time, including matters that may not have been apparent at the time of preparing the Strategy. Prior to the implementation of individual actions, a merit-based assessment will be undertaken to determine the appropriateness, priority and feasibility of specific matters to be included, having regard to available resources, risk, and strategic alignment.

7. NEXT STEPS

The matters raised in the Proposed Changes to the Strategy section above will now be incorporated into an amended Strategy document. This finalised Strategy will be reported to Council seeking endorsement.

8. APPENDICES

Appendix A: Online Submissions Summary

Submission ID	What do you like about the draft Biodiversity Strategy?	Do you agree with the aims/objectives of the strategy?	Which proposed actions do you think will have the greatest positive impact on local biodiversity?	What information or education would help you better understand and support biodiversity in Penrith?	Tell us about your favourite areas of the City are and what makes them special.	Do you think the Strategy adequately fosters nature connection and care within the Penrith community?	Summary	Provided actionable feedback relevant to the Strategy	Council Response/Action	Change to Strategy
Fri 5/12/2025 12:11 PM	Positive overall; recommends using only Penrith-specific images and correcting newsletter link	Not answered	Not answered	Provide a better link on page 134 to biodiversity-focused Council communications.	Not answered	Not answered	Should use local images. Incorrect bandicoot photo	Yes	Local image from Thornton canal used to replace previous image from Victoria on page 15 and different link provided on page 134.	Yes
Fri 5/12/2025 5:56 PM	Nothing identified as positive in the draft strategy.	The aims and objectives are not supported.	No proposed actions are seen as having a positive impact, with concerns about impacts on people and private property.	Greater flexibility for property owners to manage and maintain their land for safety and fire risk reasons.	Not Answered	No	Wants property owners to be allowed to do what they like, concerns about snakes and fires	Limited actionable feedback based around safety concerns	The Biodiversity Strategy is a non-statutory document that does not change zoning, land use rights or introduce controls on private land, and participation by landholders is voluntary. It does not alter how private land can be managed and will not generally increase snake or bushfire risk. The Strategy also explicitly addresses these concerns by incorporating additional risk assessment provisions outlining how risks will be assessed and managed before projects or actions proceed. Actions that, due to their scope or potential impact, may pose risks will be subject to Council's risk assessment process prior to implementation.	Yes
Fri 5/12/2025 8:48 AM	Values biodiversity but disagrees with Council's approach	No	Stop developing so many housing and estate development	None – does not support Council's approach	All of Penrith; concern about loss of community feel	No	Appreciated biodiversity but disagrees with approach. Council needs to stop developing so many houses	Limited feedback related to over development	Council acknowledges concerns regarding development pressures; however, much of the LGA's growth is determined through State Government planning frameworks, outside Council's direct control. The Strategy supports and strengthens biodiversity outcomes through Actions 6.1, 6.2, 6.4 and 6.5 (planning controls and development guidance), Actions 2.1, 2.2, 2.6 and 2.9 (biodiversity-sensitive design and infrastructure), Actions 1.1 and 1.7 (fauna and environmental impact mitigation), and Actions 6.6, 6.8 and 6.10 (compliance, mapping and enforcement). Together, these actions provide a comprehensive, risk-informed framework to manage biodiversity impacts from development. Existing actions provide sufficient scope to address these concerns.	No
Sat 15/11/2025 1:29 PM	Ecosystem and wildlife images are engaging; correction needed for bandicoot image	Yes	Priority precincts; Crown road reserves project	Bushland tours; wildlife tours	Castlereagh – peaceful bushland rural suburb	Yes	Suggested bushland and wildlife tours	Yes	The Strategy supports bushland tours and nature-based activities through Actions 4.3, 4.6 and 4.11 (community engagement, signage and education), as well as Action 2.7 (parks and public space projects) and Action 1.14 (Natural Areas Conservation program), which enable guided experiences where compatible with conservation outcomes. Together, these actions provide a coordinated framework to deliver nature-based experiences while protecting biodiversity. Existing actions provide sufficient scope to address these concerns.	No
Sun 14/12/2025 11:17 PM	Overdue and positive step to protect native flora and fauna	Yes	Community involvement and awareness; protecting ecological ground layers	Clear, maintained signage in protected areas	Remaining bushland of the former ADI site	Yes	Generally supportive of the Strategy. Signage is important to areas that are to be protected. Signs need maintenance so they remain legible e.g. no mow sign at Trinity Drive	Yes	The request to maintain existing signs in better condition does not fall under the biodiversity strategy	No
Sun 16/11/2025 9:31 AM	Nothing	No	Nil	None	The river; the parks	Not at all – impacts negatively on the community	No actionable feedback	No	No actionable feedback provide so unable to respond.	No
Sun 30/11/2025 11:56 AM	Broad intent but lacks site-specific direction, incentives for private landowners, stewardship detail, and participation measures	Partially – lacks specificity, resourcing, measurable outcomes, and future planning	Managing introduced pest plants and animals; coordinated pest management and partnerships	Accessible biodiversity information, updated vegetation mapping, clearer Council communication	Rural lifestyle on acreage close to services	Partially – strong start	Does not go far enough. Lacks specific direction, does not specify incentives, how stewardships will be encouraged, how participation will be measured. Lacks resourcing clarity, measurable outcomes. Needs better accessibility to info e.g. lists of plants and communities, veg mapping.	Yes	The Biodiversity Strategy is a high-level, non-statutory framework that sets long-term direction rather than a detailed delivery plan, supported by monitoring, reporting and periodic review to refine actions over time. Private land outcomes are addressed through voluntary, incentive-based actions including 1.19 (riparian revegetation), 4.9 (private land conservation), 4.10 (partnerships), 4.3, 4.8 and 4.11 (engagement, communication and education), as well as 6.7 (tree management) and 1.2 (cat containment). Invasive pest flora and fauna concerns are addressed through actions 1.3 and 1.5 which require the development of a vertebrate pest management plan and flora management plan respectively. Together, these actions support stewardship, restoration and behaviour change on private land, recognising that a significant proportion of biodiversity occurs outside public reserves. Existing actions provide sufficient scope within Council's role.	No
Sun 30/11/2025 8:22 PM	Nothing	No	None	Not answered	Not answered	No	No actionable feedback	No	No actionable feedback provided so unable to respond.	No

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Appendix A: Online Submissions Summary

Submission ID	What do you like about the draft Biodiversity Strategy?	Do you agree with the aims/objectives of the strategy?	Which proposed actions do you think will have the greatest positive impact on local biodiversity?	What information or education would help you better understand and support biodiversity in Penrith?	Tell us about your favourite areas of the City are and what makes them special.	Do you think the Strategy adequately fosters nature connection and care within the Penrith community?	Summary	Provided actionable feedback relevant to the Strategy	Council Response/Action	Change to Strategy
Sun 7/12/2025 10:23 AM	Positive initiative but lacks opportunity for negative feedback; concerns about impacts on property owners	No – impacts on property ownership are unclear	None identified unless property impacts are addressed	Town hall event and direct dialogue with property owners and real estate agents	Not relevant to the purpose of the survey	No	States positive initiative but big concerns about impact on private landowners - cost of compliance, declining property values and marketability	No	The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning or restrict land use, and participation by landholders is voluntary. In response to community concerns, the Strategy has been strengthened to explicitly clarify its non-regulatory role, confirm that normal property maintenance can continue, and reinforce that mapping is strategic and used to guide Council priorities only.	Yes
Sun 7/12/2025 12:51 PM	Nothing	No	None	Nothing	None	No	No actionable feedback	No	No actionable feedback provided so unable to respond.	No
Sun 7/12/2025 9:41 AM	May appeal to some, but objection due to impacts on private land ownership	No – concern about future regulation and length of plan	Keep private properties free from biodiversity controls	Council to fully fund projects without imposing restrictions on landowners	Council to fully fund projects without imposing restrictions on landowners	Not sure	Incorrectly assumes strategy will impose obligations on private land owners	No	The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning or restrict land use, and participation by landholders is voluntary. In response to community concerns, the Strategy has been strengthened to explicitly clarify its non-regulatory role, confirm that normal property maintenance can continue, and reinforce that mapping is strategic and used to guide Council priorities only.	Yes
Thu 13/11/2025 11:43 AM	Evidence-based, community-focused, implementation ready	Yes, with improvements needed	Protect corridors; stop illegal clearing; integrate biodiversity into development	Practical guidance for residents; clear rules for private landowners	Local parks and green open spaces	Partially – concerns about costs and impacts on landowners	Calls for stronger enforcement against illegal clearing, clearer incentives for private landowners, and a costed implementation plan with defined resources. Recommends interim milestones to improve accountability and tighter biodiversity controls in planning and development. Raises concerns about cat welfare in feral animal management and suggests better education, planting guides, corridor maps, and clear guidance on what landowners can do without approval. Notes misinformation and ongoing concern about negative impacts on private landowners.	Yes	The Strategy protects and enhances biodiversity corridors, addresses illegal clearing and integrates biodiversity into development through a coordinated set of actions, including Actions 1.1, 1.7, 1.14, 1.16, 1.18 and 2.10 (corridor protection and habitat connectivity), Actions 6.6, 6.8 and 6.10 (compliance, mapping and enforcement), and Actions 6.1, 6.2, 6.4, 6.5, 2.1, 2.2, 2.6 and 2.9 (planning controls, design and development guidance). Existing actions provide sufficient scope to address submission concerns.	No
Tue 11/11/2025 10:06 PM	Supports biodiversity on public land, not private property	Only if it does not apply to private land	None identified; concern about increased pests	Rationale for private land inclusion; funding for landowners	The river	No – concerns about pests and impacts on homes	Concern about impact to private landowners. How will owners fund actions? Also termites, rodents, bird problems.	Limited actionable feedback based around concerns about pests	The Biodiversity Strategy is a non-statutory document that does not change zoning, land use rights or introduce controls on private land, and participation by landholders is voluntary. It does not alter how private land can be managed and will not generally increase snake or bushfire risk. The Strategy also explicitly addresses these concerns by incorporating additional risk assessment provisions outlining how risks will be assessed and managed before projects or actions proceed. Actions that, due to their scope or potential impact, may pose risks will be subject to Council's risk assessment process prior to implementation.	Yes
Tue 11/11/2025 10:25 PM	Planning for future environment and community	Mostly, with execution gaps	Protect the river	More public information	Jamison Park; the river; central and south Penrith	Not really – concerns about private property controls; wants more consultation	Positive but with reservations. Concern about impact to private landowners, people should be allowed to do what they want on their land.	Yes	The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning or restrict land use, and participation by landholders is voluntary. In response to community concerns, the Strategy has been strengthened to explicitly clarify its non-regulatory role, confirm that normal property maintenance can continue, and reinforce that mapping is strategic and used to guide Council priorities only.	Yes

Appendix A: Online Submissions Summary

Submission ID	What do you like about the draft Biodiversity Strategy?	Do you agree with the aims/objectives of the strategy?	Which proposed actions do you think will have the greatest positive impact on local biodiversity?	What information or education would help you better understand and support biodiversity in Penrith?	Tell us about your favourite areas of the City are and what makes them special.	Do you think the Strategy adequately fosters nature connection and care within the Penrith community?	Summary	Provided actionable feedback relevant to the Strategy	Council Response/Action	Change to Strategy
Tue 11/11/2025 10:27 PM	Not much	No	Weeding and feral control	None	Natural river beyond the weir	No – poor consultation and fire risk concerns	Concerns about purple markers and fire danger	Limited actionable feedback based around safety concerns	The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning or restrict land use, and participation by landholders is voluntary. Purple roadside markers come under the Roadside Vegetation Management Program. There are actions in the strategy that support this program. The Strategy has been updated to include an enhanced implementation and risk management framework to address safety concerns. Actions that, due to their scope or potential impact, may pose risks, will be subject to Council's risk assessment process prior to implementation, including consideration of bushfire risk, public safety, access and operational feasibility. This ensures community safety remains a central consideration in delivery.	Yes
Tue 11/11/2025 10:49 PM	Balanced bushland enhancement; local flora and fauna info	Yes – supports Cumberland Forest and cooling	Support golf courses; revegetation; wildlife corridors	Local flora/fauna info; native plants; pest reporting	Dunheved Golf Course; Wansamatta Mountain View Reserve	No – urban development impacts not addressed	Need to do more. Would like for info on native fauna in the area, nurseries should be made to stock local provenance. Strategy adequately fosters nature connection and care within the Penrith community – needs better planning to stop harm caused by developments like Jordan Springs and WS airport.	Yes	The Strategy addresses these through Actions 6.1, 6.2, 6.4 and 6.5 (planning controls and development guidance), Actions 2.1, 2.2, 2.6 and 2.9 (biodiversity-sensitive design and infrastructure), and Actions 1.1 and 1.7 (fauna and environmental impact mitigation). It is beyond Council's authority to restrict native nurseries to only stock local provenance plants but there are actions within the Strategy that improve biodiversity knowledge, stewardship and pest management through Actions 4.1, 4.3, 4.5, 4.6 and 4.11 (education, engagement and information), Actions 1.7 and 4.10 (supporting local provenance planting and partnerships), and Actions 1.3 and 6.8 (pest management, mapping and reporting). Together, these actions provide a comprehensive, coordinated framework to address development impacts, improve community awareness and support on-ground biodiversity outcomes. Existing actions provide sufficient scope to address these concerns.	No
Tue 11/11/2025 11:19 PM	Helps keep Penrith green as the city grows	Yes	All looks good	School excursions	Werrington Lake – needs better upkeep	Yes	Suggests excursions to schools	Yes	The Strategy does not directly make reference to school excursions but it supports learning through Actions 4.1 (citizen science), 4.3 (nature-based community engagement), 4.5 (accessible biodiversity resources), 4.6 (site-based educational signage) and 4.11 (biodiversity education programs), which collectively enhance knowledge sharing and community learning.	No
Tue 2/12/2025 10:15 PM	Opposed; concerns about fire risk, safety, private land, stray cats, dumping	No	Clean up bushfire zones; stop illegal dumping	Land maintenance guidance; cameras, animal boxes on Crown land	None	No	Concerns about snakes, bush fires. States council needs stray cat control, clean up the drop zone. Wants people to keep their properties clean. Stop dumping as it's a fire hazard.	Limited actionable feedback based around safety concerns	The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning or affect land use rights, and will not increase snake or bushfire risk from private land. Illegal dumping, vegetation management and animal control are addressed through existing compliance functions, supported by Actions 6.6 and 6.10 (compliance and enforcement), Action 1.8 (site protection and illegal dumping) and Action 1.3 (invasive pest management). The Strategy also includes a strengthened implementation framework, whereby actions that may pose risks are subject to Council's risk assessment process, including consideration of bushfire risk, public safety, access and operational feasibility, with measures in place to mitigate or modify actions as required. Together, these actions provide a clear, risk-informed framework to address community concerns within Council's role.	Yes
Tue 2/12/2025 9:36 PM	Clear strategy with long-term focus; concern about housing pressure	Mostly yes; disagree with mapping impacts on rural land	Protect government land; prevent Nepean River erosion	Intent of mapping; land use and property impacts	Nepean River and Gorge reserves	Partially – weak on-ground enforcement	Positive but some misinformed concerns about impacts to private landowners. Strategy should focus on public and government land.	Limited actionable feedback	Updates were made to the Strategy in the Executive Summary to clearly state that the Strategy is non-statutory, does not regulate private land, change zoning or impose legal restrictions, and that any involvement by private landholders is voluntary. Explanatory material was also expanded in the implementation and governance sections to reinforce that mapping is strategic and non-regulatory and is used to guide Council priorities and funding, not to apply controls to private property. In response to concerns about the ability to carry out normal property maintenance, the Strategy has been updated to clearly state that it does not restrict maintenance or landuse that is currently permitted. The actions within the Strategy will only proceed following appropriate risk assessment.	Yes
Wed 10/12/2025 8:48 AM	None	No	None	Focus on basic infrastructure maintenance	Not answered	No		No	No actionable feedback provided so unable to respond. Maintenance of Council infrastructure not covered by the Biodiversity Strategy.	No

Appendix A: Online Submissions Summary

Submission ID	What do you like about the draft Biodiversity Strategy?	Do you agree with the aims/objectives of the strategy?	Which proposed actions do you think will have the greatest positive impact on local biodiversity?	What information or education would help you better understand and support biodiversity in Penrith?	Tell us about your favourite areas of the City are and what makes them special.	Do you think the Strategy adequately fosters nature connection and care within the Penrith community?	Summary	Provided actionable feedback relevant to the Strategy	Council Response/Action	Change to Strategy
Wed 12/11/2025 1:14 PM	Does not support restrictions on private property	No	None	None	Own home	No	People should be allowed to do what they want on their own land.	No	Updates were made to the Strategy in the Executive Summary to clearly state that the Strategy is non-statutory, does not regulate private land, change zoning or impose legal restrictions, and that any involvement by private landholders is voluntary. Explanatory material was also expanded in the implementation and governance sections to reinforce that mapping is strategic and non-regulatory and is used to guide Council priorities and funding, not to apply controls to private property. In response to concerns about the ability to carry out normal property maintenance, the Strategy has been updated to clearly state that it does not restrict maintenance or landuse that is currently permitted.	Yes
Wed 12/11/2025 10:41 AM	Nothing	No – concerns about costs and landowner control	None	Clear, upfront costs for landowners	Farms and bushland outside the city	No	Misinformation concerns about impacts to private landowners.	No	Updates were made to the Strategy in the Executive Summary to clearly state that the Strategy is non-statutory, does not regulate private land, change zoning or impose legal restrictions, and that any involvement by private landholders is voluntary.	Yes
Wed 12/11/2025 11:08 AM	Focus on protecting a healthy and endangered environment	Yes	Preserve corridors and uncleared land; encourage planting	Urban heat impacts and benefits of green space	Remnant bushland in Glenmore Park	Partially – stronger controls needed in new developments	Wants more info on impacts of urban heat, strategy does not adequately fosters nature connection and care within the Penrith community as it needs to limit building/hard landscaping in new builds, needs to prioritise keeping more trees	Yes	The Strategy recognises that urban heat mitigation is not its primary focus, but includes a range of actions that contribute to cooling outcomes. These include Actions 2.1 and 2.6 (design and biodiversity-sensitive urban design), 2.5 (green infrastructure as an asset), 2.2 and 2.9 (vegetated infrastructure and reduced hard surfaces), and 2.11 and 2.12 (tree canopy protection and monitoring), supported by Actions 6.2 and 6.4 (planning controls and development guidance). Together, these actions embed vegetation, canopy and green infrastructure into planning and design, providing a coordinated framework to mitigate urban heat. Existing actions provide sufficient scope to address these concerns.	No
Wed 12/11/2025 7:04 AM	Opposes impacts on private property rights	Only if it does not affect private property	None on private property	Enough information	Improve Lakes area for public use	No – infringes on property rights	Concerns about people being forced to manage the veg of their properties, cost, employing contractors. Concerns about branch drop and snakes	Limited actionable feedback based around safety concerns	Updates were made to the Strategy in the Executive Summary to clearly state that the Strategy is non-statutory, does not regulate private land, change zoning or impose legal restrictions, and that any involvement by private landholders is voluntary. Explanatory material was also expanded in the implementation and governance sections to reinforce that mapping is strategic and non-regulatory and is used to guide Council priorities and funding, not to apply controls to private property. In response to concerns about the ability to carry out normal property maintenance, the Strategy has been updated to clearly state that it does not restrict maintenance or landuse that is currently permitted.	Yes
Wed 12/11/2025 7:09 AM	Does not support the strategy; concerns about safety and fire risk	No	None	None	Own home	No	Misinformation concerns about impacts to private landowners. Concerns about snakes and fires	Limited actionable feedback based around safety concerns	The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning or affect land use rights, and will not increase snake or bushfire risk from private land. The Strategy also includes a strengthened implementation framework, whereby actions that may pose risks are subject to Council's risk assessment process, including consideration of bushfire risk, public safety, access and operational feasibility, with measures in place to mitigate or modify actions as required. Together, these actions provide a clear, risk-informed framework to address community concerns within Council's role.	Yes
Wed 12/11/2025 7:10 AM	Does not support application on private land	No – unfair and a double standard	None	Not Answered	Not Answered	No	Misinformation concerns about impacts to private landowners. Concerns about snakes and fires. Not fair to change zoning.	Limited actionable feedback based around safety concerns	The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning or affect land use rights, and will not increase snake or bushfire risk from private land. The Strategy also includes a strengthened implementation framework, whereby actions that may pose risks are subject to Council's risk assessment process, including consideration of bushfire risk, public safety, access and operational feasibility, with measures in place to mitigate or modify actions as required. Together, these actions provide a clear, risk-informed framework to address community concerns within Council's role.	Yes
Wed 12/11/2025 8:47 AM	Nothing	No	None	Nothing	Own property	No		No	No actionable feedback provided so unable to respond.	No

Appendix A: Online Submissions Summary

Submission ID	What do you like about the draft Biodiversity Strategy?	Do you agree with the aims/objectives of the strategy?	Which proposed actions do you think will have the greatest positive impact on local biodiversity?	What information or education would help you better understand and support biodiversity in Penrith?	Tell us about your favourite areas of the City are and what makes them special.	Do you think the Strategy adequately fosters nature connection and care within the Penrith community?	Summary	Provided actionable feedback relevant to the Strategy	Council Response/Action	Change to Strategy
Wed 12/11/2025 9:35 AM	Does not support strategy; biodiversity protection responsibility should sit with Council	No	Council-led action on public land	Clarify Council responsibility	Public areas maintained by Council	No		No	Updates were made to the Strategy in the Executive Summary to clearly state that the Strategy is non-statutory, does not regulate private land, change zoning or impose legal restrictions, and that any involvement by private landholders is voluntary. Explanatory material was also expanded in the implementation and governance sections to reinforce that mapping is strategic and non-regulatory and is used to guide Council priorities and funding, not to apply controls to private property. In response to concerns about the ability to carry out normal property maintenance, the Strategy has been updated to clearly state that it does not restrict maintenance or landuse that is currently permitted. The actions within the Strategy will only proceed following appropriate risk assessment.	Yes
Wed 3/12/2025 12:28 PM	Nothing	No	Creeks and waterways only	No information received; NSW Biodiversity Values site	Open space near the Nepean River	No – concerns about impacts on family homes and children	Will not allow children to play outside	Limited actionable feedback based around safety concerns	Updates were made to the Strategy in the Executive Summary to clearly state that the Strategy is non-statutory, does not regulate private land, change zoning or impose legal restrictions, and that any involvement by private landholders is voluntary. Explanatory material was also expanded in the implementation and governance sections to reinforce that mapping is strategic and non-regulatory and is used to guide Council priorities and funding, not to apply controls to private property. In response to concerns about the ability to carry out normal property maintenance, the Strategy has been updated to clearly state that it does not restrict maintenance or landuse that is currently permitted.	Yes

Appendix B: Private Landowner Written Submission Summary

Respondent	Submission Summary	Council Response/Action	Change to Strategy
1	<p>Concerns regarding State Government changing biodiversity mapping and land use. Requests explanation about the NSW State Government Biodiversity Values Map. Expressed concern about private properties that are on the Biodiversity Values Map being used as offsets for larger developments.</p> <p>Concerned that changes are not communicated</p>	<p>The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning or restrict land use, and participation by landholders is voluntary. The mapping in the Strategy is strategic and used to guide Council priorities and partnerships, not to impose controls on private property.</p> <p>The mapping changes referred to relate to the State Government Biodiversity Offset Scheme and not matters related to the Strategy. Matters relating to the NSW Biodiversity Offset Scheme and Biodiversity Values Map are governed by State Government and sit outside the scope of the Strategy.</p> <p>The Strategy has been strengthened to clearly reinforce its non-regulatory role, clarify that mapping is strategic only, and expand implementation and governance sections to improve transparency.</p> <p>Actions within the Strategy also support advocacy to the NSW Government, providing a pathway to communicate community concerns and improve outcomes, while remaining within Council's role.</p>	Yes

Appendix B: Private Landowner Written Submission Summary

Respondent	Submission Summary	Council Response/Action	Change to Strategy
2	<p>Supports environmental protection in public reserves. Raises strong objection to the strategy in respect of Council imposing additional controls, mapping or compliance measures on private property.</p> <p>Private property rights - states that strategy introduces new land restrictions</p> <p>Unclear mapping in the strategy - no clear explanation of what this means for future development</p> <p>Overreach of Council Authority. States that Council are introducing its own layer of control which duplicates existing laws</p> <p>Compliance and enforcement focus. Believes that Council should focus its resources on managing Council owned land.</p> <p>Lack of incentive or fair process - suggests that Council should work with affected landowners, offering voluntary programs, incentives or land swaps - not impose restrictions through planning overlays.</p> <p>Requests that Council remove privately owned land from the mapped 'priority biodiversity areas'</p>	<p>The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning or restrict land use, and participation by landholders is voluntary. The Strategy has been strengthened to clearly reinforce its non-regulatory role, confirm that mapping is strategic only, and expand executive summary, implementation and governance sections to improve clarity and transparency.</p> <p>The Strategy's mapping is strategic and identifies areas of ecological value to guide Council priorities, funding and voluntary conservation opportunities, not to regulate private land. Priority actions are focused on Council-managed land, with private land only involved on a voluntary basis.</p> <p>Council already has existing legislation under the LEP and environmental planning instrument under the DCP.</p> <p>The Biodiversity Strategy emphasises the need to strengthen compliance where unauthorised vegetation removal has occurred on private land because illegal clearing is identified as a significant and escalating threat to biodiversity in the Penrith LGA, with direct and irreversible impacts on native vegetation, habitat connectivity and threatened species. Compliance actions relate to enforcing existing laws, particularly in cases of unauthorised vegetation removal.</p> <p>Participation by private landowners is voluntary.</p> <p>The maps in the Biodiversity Strategy are intended to identify areas of ecological value at a strategic level to guide Council priorities, support grant funding, and inform opportunities for voluntary conservation and collaboration. Participation by private landowners is voluntary.</p>	Yes

Appendix B: Private Landowner Written Submission Summary

Respondent	Submission Summary	Council Response/Action	Change to Strategy
3	Same concerns as Respondent 2 but simplified focused around, private land mapping and impacts of this to private land owners, loss of property value, objection to Council undertaken compliance action on private land and lack of consultation for private land being placed on mapping.	<p>The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning or restrict land use, and participation by landholders is voluntary. The Strategy has been strengthened to clearly reinforce its non-regulatory role, confirm that mapping is strategic only, and expand executive summary, implementation and governance sections to improve clarity and transparency.</p> <p>The maps in the Biodiversity Strategy are intended to identify areas of ecological value at a strategic level to guide Council priorities, support grant funding, and inform opportunities for voluntary conservation and collaboration. Participation by private landowners is voluntary.</p>	Yes
4	Oppose any decision forcing land owners, leased estates or any privately owned land into the biodiversity scheme	<p>The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning or restrict land use, and participation by landholders is voluntary. The Strategy has been strengthened to clearly reinforce its non-regulatory role, confirm that mapping is strategic only, and expand executive summary, implementation and governance sections to improve clarity and transparency.</p>	Yes
5	Comments relate to State and Local Government changes to biodiversity mapping. The concerns raised focus on uncertainty about how the strategy and its mapping may affect private landowners, including whether normal land maintenance such as clearing undergrowth for fire and snake risk would be restricted, and whether future development would be more costly or even permitted. There are also worries about financial equity, particularly whether affected properties could face higher costs than neighbouring lands, potential impacts on resale value, and whether landowners might experience greater constraints while still being required to pay the same council rates as others. Requests a written acknowledgement and response explaining how these changes will affect them and their property	<p>The Biodiversity Strategy is a non-statutory document that does not regulate private land, change zoning, impose costs or restrict land use, and participation by landholders is voluntary. The Strategy has been strengthened to clearly confirm its non-regulatory role, reinforce that mapping is strategic only for guiding Council priorities and funding, and clarify that normal property maintenance can continue. Any compliance actions on private land relate only to existing legislation, ensuring consistency and fairness, while matters such as offsets and State mapping frameworks remain outside Council's role. Actions that may pose risks will be subject to Council's risk assessment process prior to implementation, ensuring public safety, environmental risks and operational considerations are appropriately assessed and managed.</p>	Yes

Appendix C: Friends of Fernhill Mulgoa Valley Submission Summary

Item	Recommendation	Council Response/Action	Change to Strategy
1	Support biodiversity-based tourism in Mulgoa Valley: Expedite biodiversity experiences at Fernhill and maintain scenic, rural and biodiversity values.	Fernhill is not owned or managed by Council, however, Council recognises its significant biodiversity and landscape values and will engage with landowners to explore appropriate opportunities aligned with conservation outcomes. The Strategy supports biodiversity-based experiences through Actions 4.1, 4.3 and 4.11 (community engagement and education) and Goal 5 partnership actions, enabling nature-based tourism while maintaining environmental values. Existing actions provide sufficient scope to address these concerns.	No
2	Improve invasive weed management: Council should better control invasive species along rural roads. Reallocate Purple Sign money to weed control.	Council undertakes weed management along rural roads and will continue to do so within available resources and operational priorities. Purple roadside markers are a critical tool for identifying areas of high biodiversity value and ensuring works are undertaken in accordance with environmental and legislative requirements. The Strategy has a strong commitment to invasive weed management approach through Actions 1.5 (invasive flora management), 1.6 (invasive plant education), 1.16 (roadside vegetation management), 4.11 (community education) and 5.3 (regional partnerships), supporting coordinated weed control with agencies, landholders and the community. Existing actions provide sufficient scope to address these concerns.	No
3	Address native wildlife road-kill: Reduce Mulgoa Road speed limit to 60 km/h to reduce high wildlife mortality.	Council recognises vehicle strike as a key threat to native fauna, however, speed limits on roads such as Mulgoa Road are set by Transport for NSW, not Council. The Strategy addresses this through Action 1.1 (fauna-friendly roads), which includes fauna crossings, traffic calming, signage and advocacy to the NSW Government for speed reductions at priority locations, supported by Action 2.6 (biodiversity-sensitive urban design) and Actions 6.1 and 6.2 (planning framework updates). Together, these actions provide a coordinated, evidence-based approach to reducing wildlife road-kill. Existing actions provide sufficient scope to address these concerns.	No
4	Consolidate Land for Wildlife data: Compile ecological reports for planning purposes.	The Land for Wildlife program is externally administered, and Council does not have access to its data or ecological reports. The Strategy supports improved data sharing and use through Actions 4.5 and 4.10 (partnerships and knowledge sharing) and Action 6.8 (geospatial mapping), enabling Council to incorporate available information into planning processes over time. Existing actions provide sufficient scope to address these concerns within Council's role.	No

Appendix C: Friends of Fernhill Mulgoa Valley Submission Summary

Item	Recommendation	Council Response/Action	Change to Strategy
5	<p>Use existing biodiversity mapping (BIO Map, CPCP) as the primary data source, with ground-truthing, rather than relying on developing new mapping alone.</p> <p>Correct gaps in Council's Natural Resource Sensitivity Land Map for Mulgoa Valley, which currently omits significant endangered vegetation and creek lines.</p> <p>Add the following areas as Natural Resource Sensitivity Land:</p> <p>Riparian corridors along Mulgoa Creek and Littlefields Creek linking to Blue Mountains NP.</p> <p>The western forested hills of Mulgoa Valley adjoining Blue Mountains NP, important for migratory fauna.</p> <p>Existing permanent conservation lands (Mulgoa Nature Reserve, Wombat & Wallaroo reserves, Cox Cottage Conservancy).</p> <p>Biobanked lands.</p> <p>The Kingshill wildlife corridor (not currently reflected in Council's Biodiversity Strategy).</p> <p>Establish an east-west Mulgoa-Kingshill migratory fauna corridor, supporting threatened species such as the Scarlet Robin, Flame Robin, and key threatened plants.</p> <p>Investigate opportunities on unformed "paper roads" near Kingshill (e.g., Tilba Rd and Longview Rd extensions) for additional biodiversity corridor connections.</p>	<p>Council supports the use of existing biodiversity datasets alongside ground-truthing to improve mapping accuracy and in response to submissions has strengthened Action 6.2 (LEP and DCP review) to commit to updating the Natural Resource Sensitive Land Map to better reflect identified sites and corridors of significance over time.</p> <p>The Strategy recognises the importance of Mulgoa Valley's riparian corridors, conservation lands and key linkages, and adopts a landscape-scale approach to connectivity, including recognition of corridors such as Kingshill and investigation of unformed roads under Action 1.16.</p> <p>These actions provide a clear, evidence-based framework to progressively refine mapping and strengthen corridor connectivity. Existing actions provide sufficient scope to address these concerns.</p>	Yes
6	<p>Integrate strategies: Combine Biodiversity Strategy with Rural Lands Strategy, Scenic and Landscape Study, and Green Grid Strategy into unified planning documents.</p>	<p>Council integrates biodiversity considerations across key strategies and studies, including the Rural Lands Strategy, Scenic and Landscape Study and Green Grid Strategy, which informed the development of the Biodiversity Strategy.</p> <p>However, these documents serve distinct purposes and are maintained separately to ensure clarity and effective implementation. Integration is supported through Actions 6.1 and 6.2 (planning framework updates), which embed biodiversity outcomes across Council's strategic planning framework.</p>	No

Appendix C: Friends of Fernhill Mulgoa Valley Submission Summary

Item	Recommendation	Council Response/Action	Change to Strategy
7	<p>Threats to and management of biodiversity in the Mulgoa Valley</p> <ul style="list-style-type: none"> • inappropriate recreational use (as occurs with trail bike riding in Mulgoa Nature Reserve and biobanked sites) • pollution of Mulgoa Creek from surrounding housing areas eg Glenmore Park • growing concern over the use of offsets far removed from the 'like for like' principle. In the urban setting it is very difficult to find offsets that 'maintain or improve' a threatened ecological community in the affected District – the result being an absolute loss of important native vegetation and wildlife • lack of effective commitment and resources to protect, manage and maintain biodiversity assets • inadequacy of land clearing legislation • strong community education and incentives for new and existing property owners and effective Council planning controls and compliance measures such as financial penalties (p.65). • lack of consideration of cumulative loss and edge affects from vegetation removal • insufficient focus on and effective implementation of mechanisms to enhance biodiversity on private land • agency powers overriding environment protection legislation 	<p>A number of the matters identified such as trail bike use in Mulgoa Nature Reserve, biodiversity offset arrangements, land clearing legislation, and the level of financial penalties are primarily governed by State Government legislation and agencies and are therefore outside Council's direct control. Notwithstanding this, the Biodiversity Strategy includes actions to advocate to and collaborate with State Government to improve biodiversity outcomes, including Actions 5.3 (regional partnerships), 6.6 (compliance review and advocacy) and 6.9 (Cumberland Plain Conservation Plan collaboration).</p> <p>It also strengthens local delivery through Actions 6.6 and 6.10 (compliance and enforcement), 6.8 (mapping and prioritisation), and Actions 4.3, 4.5, 4.11 and 4.9 (community engagement, education and private land stewardship).</p> <p>Together, these actions provide a coordinated framework to address biodiversity threats within Council's role, with broader regulatory matters managed by the State Government.</p>	No
8	<p>Use existing biodiversity mapping (BIO Map, CSCP) as the primary data source, with ground-truthing, rather than relying on developing new mapping alone.</p> <p>Correct gaps in Council's Natural Resource Sensitivity Land Map for Mulgoa Valley.</p>	<p>Council uses a range of biodiversity datasets, noting that State mapping alone is often broad-scale and not fully ground-truthed for local application. Locally refined mapping is therefore required to improve accuracy for planning and decision-making.</p> <p>Action 6.2 (LEP and DCP review) has been strengthened to commit to reviewing and updating the Natural Resource Sensitive Land Map to incorporate updated biodiversity information and better reflect areas of ecological significance over time.</p> <p>This provides a clear and evidence-based framework to progressively improve mapping accuracy. Existing actions provide sufficient scope to address these concerns.</p>	Yes

Appendix D: Mulgoa Valley Landcare Group Submission Summary

Item	Recommendation	Council Response/Action	Change to Strategy
1	Increased Funding for Biodiversity Actions MVLG recommends significantly increased funding to support essential biodiversity actions.	The delivery of the Biodiversity Strategy is supported through Council's annual budgeting and integrated planning processes, supplemented by external grant funding. Implementation will depend on available resources, competing priorities and the success of securing State and Commonwealth funding. The Strategy emphasises partnerships with councils, agencies, community groups and landholders to leverage additional support. There are currently no opportunities to increase internal funding, future expansion is contingent on external funding and partnerships.	No
2	Strengthen Corridor Protection and Identification - One of the most important corridors not identified in strategy - Kingshill east-west corridor in Mulgoa. - Recognise and protect koala corridors along the Blue Mountains escarpment.	Additional detail has been added under Action 6.2 (LEP and DCP review) to explicitly commit to reviewing Council's Natural Resources Sensitive Land Map to consider additional areas identified as having high biodiversity value and to better reflect the sites and corridors of significance identified in this Strategy.	Yes
3	Stronger Enforcement Against Illegal Land Clearing - Increase penalties and delay DA processing until vegetation recovers.	The Strategy identifies illegal clearing as a key threat and includes Actions 6.6 (best-practice review), 6.8 (geospatial mapping tool) and 6.10 (compliance investigations) to strengthen compliance, investigation and targeted enforcement. Penalties are set by State legislation, not Council; however, the Strategy includes advocacy and partnership actions to influence improved regulatory outcomes. Existing actions provide sufficient scope to address these concerns.	No
4	Address Macropod (Kangaroo) Movement Issues - Continue the WSU Kangaroo Committee and plan for macropod connectivity.	The Western Sydney University Kangaroo Committee is not coordinated by Council; however, Council will continue to participate where appropriate to support coordination and knowledge sharing. The Strategy addresses macropod movement through a landscape-scale approach, including Actions 1.1 (fauna-friendly roads), 2.6 (biodiversity-sensitive urban design) which improve connectivity and reduce movement barriers. Existing actions provide sufficient scope to address these concerns within Council's role, with broader matters outside Council's responsibility.	Yes

Appendix D: Mulgoa Valley Landcare Group Submission Summary

Item	Recommendation	Council Response/Action	Change to Strategy
5	Inclusion of Mulgoa in the Koala SEPP - Pursue partial inclusion for suburbs likely to support koalas.	Koala habitat protection frameworks, including the State Environmental Planning Policy, are determined and administered by the NSW Government and are outside Council's direct control. Within this context, the Biodiversity Strategy adopts a proportionate and evidence-based approach to koala conservation, recognising known habitat areas and supporting improved ecological connectivity while aligning with current State policy settings. The Strategy includes actions to support koala outcomes through local planning and advocacy, including Action 1.11 – Koala Protection, which commits Council to investigating the feasibility of a Koala Plan of Management and advocating to the NSW Government on key issues affecting koalas, including planning frameworks and habitat protection. Existing actions provide sufficient scope to address the concerns within Council's role, with broader matters outside Council's responsibility.	No
6	Incentivising Conservation on Private Land - Explore financial incentives and tax relief to encourage biodiversity stewardship.	The Strategy recognises that much of Penrith's biodiversity occurs on private land and includes Actions 4.9 (private land conservation), 4.3 and 4.11 (community engagement and education) to support stewardship through landholder engagement, conservation agreements and access to programs. Financial incentives and tax measures are primarily determined by higher levels of Government; however, Council will facilitate access to these opportunities and continue to advocate for improved support. Existing actions provide sufficient scope to address these concerns within Council's role, with broader matters outside Council's responsibility.	No
7	Protecting and Repurposing Unformed ("Paper") Roads - Review and retain suitable unformed roads as wildlife corridors and walking trails.	This matter is already addressed in the Strategy through Action 1.16 (roadside and unformed road vegetation), which commits to reviewing, protecting and enhancing unformed roads, including their role in supporting biodiversity connectivity. This provides a framework to retain and manage suitable corridors, with opportunities for habitat connections and compatible recreational use where appropriate. Existing actions provide sufficient scope to address these concerns.	No
8	Identification of Local Areas of Outstanding Biodiversity Value - Establish "Local Biodiversity Areas" for high-value ecological locations.	The Strategy already identifies and prioritises high-value ecological areas through LGA-wide sites and corridors of significance, supported by Actions 6.2 (LEP and DCP review) and 6.8 (geospatial mapping tool) to strengthen mapping and planning controls over time. Additional detail has been added under Action 6.2 (LEP and DCP review) to explicitly commit to reviewing Council's Natural Resources Sensitive Land Map to consider additional areas identified as having high biodiversity value and to better reflect the sites and corridors of significance identified in this Strategy. These actions provide a consistent, evidence-based mechanism to recognise and protect high-value areas without the need for a separate classification. Formal recognition of "areas of outstanding biodiversity value" is determined by the NSW Government. Existing actions provide sufficient scope within Council's role, with broader matters outside Council's authority.	Yes

Appendix D: Mulgoa Valley Landcare Group Submission Summary

Item	Recommendation	Council Response/Action	Change to Strategy
9	Support and Expansion of the Penrith Platypus Project - Strengthen partnerships and improve coordination for platypus conservation.	The Strategy supports the Penrith Platypus Project through Action 1.12 (platypus protection), which includes ongoing habitat monitoring and restoration, partnership delivery and investigating a Platypus Plan of Management to provide a coordinated long-term framework. [Penrith Bi...with edits Word] This is further supported by Actions 5.1 (governance and collaboration) and 5.3 (regional partnerships), which strengthen coordination across Council, research institutions and community stakeholders. Together, these actions provide a clear pathway to enhance partnerships and improve coordination for platypus conservation, with existing actions sufficient to address the submission.	No
10	Council to Take on the Land for Wildlife Coordinator Role - Request that Penrith Council assume program coordination for the LGA	The Land for Wildlife program is externally administered and Council does not have the resourcing to assume a formal coordination role. The Strategy instead supports private land outcomes through Actions 4.9 (private land conservation), 4.3 and 4.11 (community engagement and education), and Actions 5.1 and 5.3 (partnerships and collaboration), focusing on working with existing programs and stakeholders. Existing actions provide sufficient scope to support Land for Wildlife outcomes within Council's role, with program coordination outside Council's resource capability.	No

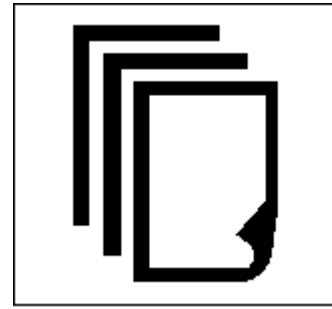
Appendix E: Cumberland Land Conservancy Submission Summary

Item	Recommendation	Council Response/Action	Change to Strategy
1	Pursue continuous, uninterrupted conservation corridors rather than stepping-stone models.	The Strategy supports continuous corridors as the preferred long-term outcome; however, delivery is constrained by land ownership and multiple land tenures. A pragmatic, landscape-scale approach is adopted, combining corridor protection and enhancement with complementary "stepping-stone" habitats to maintain connectivity. This is supported by Actions 1.16 (roadside and unformed road corridors) and 2.10 (delivery of priority corridor projects). Council also advocates for protection of high-value lands through Actions 5.3 (regional partnerships) and 6.9 (advocacy), rather than direct land acquisition. Existing actions provide sufficient scope to progressively strengthen connectivity outcomes within Council's role.	No
2	Mitigate barriers such as roads and rail lines using fauna overpasses/underpasses.	The Strategy addresses infrastructure barriers through Action 1.1 (fauna-friendly roads), which includes measures such as fauna crossings, traffic calming, exclusion fencing and signage to support safe fauna movement. This is supported by Action 2.6 (biodiversity-sensitive urban design) and Actions 6.1 and 6.2 (planning framework updates), ensuring connectivity is integrated into infrastructure planning and development. Existing actions provide sufficient scope to address these concerns.	No
3	Act to prevent species decline before they reach threatened status.	The Strategy takes a proactive, landscape-scale approach to prevent species decline by reducing key threats, improving habitat condition and supporting early intervention. This includes Actions 1.1 (fauna-friendly roads), 1.3 and 1.5 (invasive species management) and 1.13 (key species monitoring), alongside Actions 4.3, 4.5 and 4.11 (community engagement and education) and 4.9 (private land conservation) to strengthen stewardship and early action. Existing actions provide sufficient scope to address these concerns.	No
4	Provide stronger protection and habitat support for Macropodidae (e.g., Eastern Grey Kangaroos).	The Strategy supports macropods through a landscape-scale approach, with Actions 1.1 (fauna-friendly roads), 2.6 (biodiversity-sensitive urban design) and 6.2 (planning framework updates) improving habitat connectivity and reducing movement barriers. This is complemented by Actions 1.14 (Natural Areas Conservation program) and 1.16 (roadside and unformed road vegetation), which protect and enhance key habitat areas. Macropods conservation status is determined under State and Federal legislation and therefore Council's ability to implement species specific regulatory protections is constrained. Existing actions provide sufficient scope to address these concerns within Council's role.	No

Appendix E: Cumberland Land Conservancy Submission Summary

Item	Recommendation	Council Response/Action	Change to Strategy
5	Use sporting fields as potential grazing habitat for kangaroos, paired with nearby bushland refuge.	Council-managed open spaces, including some sporting fields, may already be utilised by macropods where suitable conditions exist, with no restrictions on wildlife access. The Strategy's landscape-scale approach, including Actions 1.1 (fauna-friendly roads), 2.6 (biodiversity-sensitive urban design) and 1.16 (roadside and unformed road vegetation), supports habitat connectivity and the availability of suitable foraging and refuge areas. Existing actions provide sufficient scope to address these concerns.	No
6	Avoid or limit herbicide use on sporting fields to protect fauna.	The Strategy recognises potential impacts of herbicide use on fauna and includes Actions 1.3 and 1.5 (invasive species management) to develop best-practice guidelines for vegetation management on Council land, including review of herbicide use. These actions will guide approaches that minimise risks to native fauna while maintaining effective weed control. Existing actions provide sufficient scope to address these concerns.	No

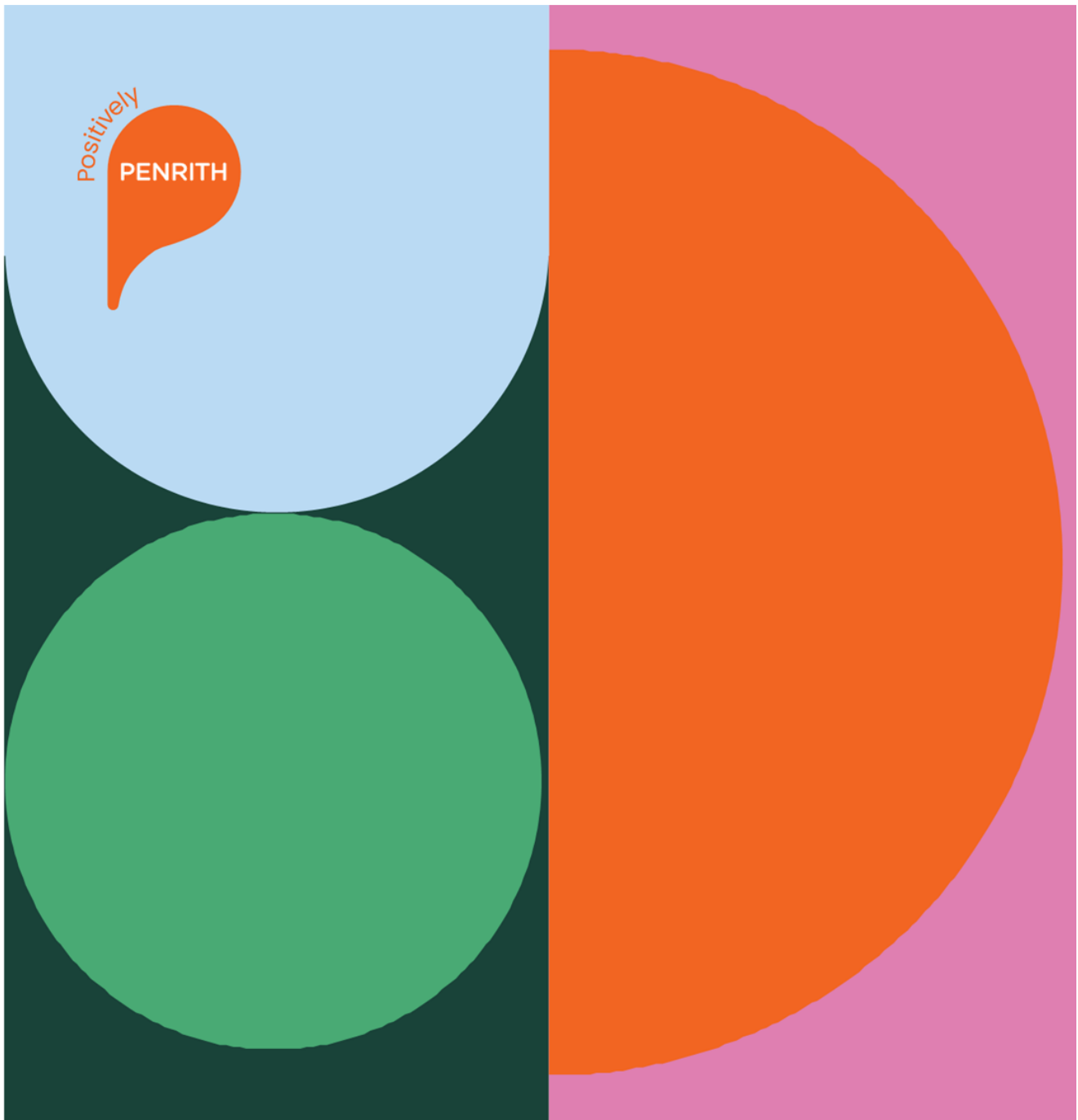
ATTACHMENTS



Date of Meeting: Monday 15 June 2026

Report Title: Onsite Wastewater Management Policy

Attachments: Draft On-Site Wastewater Management
Policy May 2026
Summary of Individual Submissions and
Enquiries



On-Site Wastewater Management Policy

Environmental Health & Compliance

May 2026



Version control

Version Number	Date	Change description	Undertaken by
Draft v1	November 2025	Revision of Policy	Kirk Ryan – <i>Senior Environmental Health Officer</i> Tara Arduin – <i>Environmental Health Officer</i>
1.0	May 2026	Adoption of Policy	Kirk Ryan – <i>Senior Environmental Health Officer</i> Tara Arduin – <i>Environmental Health Officer</i>

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1. Introduction

1.1. Background

Penrith City Council is committed to implementing a program that regulates the operation of On-site Wastewater Management (OWM) systems to ensure best practice and to protect environmental and public health.

There are approximately 4500 OWM systems across the Penrith Local Government Area (LGA), which covers approximately 404km² and includes sewered urban areas, sewered and unsewered rural villages and rural areas.

This Policy has been developed to assess, regulate and manage the selection, design, installation, operation and maintenance of domestic and commercial OWM systems. The document provides information to assist with the installation application process. It also responds to the provisions of the *Local Government (General) Regulation 2021* that requires system owners to obtain approval for the installation and operation of OWM systems under Section 68 of the *Local Government Act 1993*.

This Policy has been prepared with consideration of the:

- *Onsite Wastewater Management Guidelines*, Office of Local Government, 2025
- *Australian Standard (AS/NZS 1547:2012) On-Site Domestic Wastewater Management*
- *Greywater Reuse in Sewered, Single Household Residential Premises*, NSW Health, 2000
- *Designing and Installing On-Site Wastewater Management Systems*, WaterNSW, 2023

1.2. Scope

This Policy applies to:

- Existing and proposed domestic OWM systems,
- Existing and proposed commercial OWM systems,

- Greywater reuse,
- Unsewered properties within the Penrith LGA.

The updated Policy does not require existing systems that are in good working order to be automatically upgraded. However, where a system has been installed without Council approval, or where a like-for-like replacement for a failing system presents a potential risk to human health or the environment, upgrades or modifications may be required in accordance with the requirements of the Policy.

1.3. Objectives

The objectives of this Policy are to:

- Guide all relevant stakeholders towards sustainable on-site management of wastewater,
- Protect and enhance the quality of public health and the environment within the LGA,
- Assist Council in the efficient regulation and monitoring of on-site wastewater management systems within the LGA.

1.4. Policy Structure

The structure of the Policy is outlined below:

Installing an OWM system Council approval is required to install or modify an OWM system	See Section 2.1
Operating an OWM system A property owner requires an 'Approval to Operate' for all OWM systems Operational Approval ↓ Renewal of 'Approval to Operate'	See Section 2.2
Regulation of Program	See Section 2.3
Reusing Greywater	See Part 3
Connecting to Mains Sewer	See Part 4

2. Installation & Operation of On-Site Wastewater Management Systems

2.1 Installation Approvals

The installation or modification of an OWM system requires approval from Council under Section 68 of the *Local Government Act 1993*.

The site assessment guidelines in Table 1 are used to assess applications. They are based on the following best practice guidelines:

- *Australian Standard 1547:2012 On-site domestic wastewater management*
- *Onsite Wastewater Management Guidelines, Office of Local Government, 2025*

Council will consider the following during site assessments for development applications and installation approvals:

- Impacts on the catchment,
- Impacts on public health and the environment,
- Suitability of the site,
- Requirements and suitability of proposed and/or existing systems.

The main systems operating in the LGA are Aerated Wastewater Treatment Systems (AWTS) and septic tanks. Appendix E discusses some alternative wastewater options that may be considered by Council.

Once an OWM system has been installed, an 'Approval to Operate' is required to be obtained from Council to operate the system (refer to Section 2.2).

Table 1 – Site Assessment Guidelines

Assessment Criteria		Low Limitation	Medium Limitation	High Limitation
Flood potential		Above 1 in 100 year flood contour	Above 1 in 20 year flood contour	Below 1 in 20 year flood contour
Exposure to sun & wind		Good	Can be improved	Poor
Slope %	Surface irrigation	0-6	6-12	>12
	Sub-surface irrigation	0-10	10-20	>20
	Absorption system	0-10	10-20	>20
Landform		Hill crests, convex side slopes & plains	Concave side slopes & foot slopes	Drainage plains & incised channels
Run-on & up-slope seepage		None	Signs of minor seepage	High - diversion not practical
Erosion potential		No erosion	Potential erosion	Signs of erosion
Site drainage		No signs of surface dampness	Signs of surface dampness	Signs of saturation
Rocks & rock outcrops (% of land surface containing rocks > 200mm diameter)		<10%	10-20%	>20%
Environmentally sensitive areas		None	As defined in <i>Local Government (General) Regulation 2021</i>	As defined in <i>Local Government (General) Regulation 2021</i>
Fill		No presence of fill		Presence of fill
Buffer distances (see Table 3)		Adequate		Inadequate
Land area for effluent Management (see Table 2)		Available		Not available
Stormwater diversion		Good	Moderate	Poor
Condition of tanks		Good	Minor work required	Major work required
Condition of management areas & irrigation lines		Good	Minor work required	Major work required
Condition of pump-out lines		Good	Minor work required	Major work required

2.1.1. Installation of OWM Systems

The information required to be submitted with an installation application for an OWM system is shown in Appendix A.

A Wastewater Assessment Report prepared by a suitably qualified consultant (as defined in Section 4.1.1 of the *Onsite Wastewater Management Guidelines, Office of Local Government, 2025*) is required to be submitted with an application for the installation of a new domestic OWM system when:

- a) the system is proposed within an area that has high limitations (see Table 1), or
- b) the proposed system is not accredited by NSW Health, or
- c) for an AWTS, the Effluent Management Area (EMA) sizing referred to in Table 2 cannot be met, or
- d) the EMA consists of more than one area, or
- e) the buffers distances referred to in Table 3 cannot be met, or
- f) a dual occupancy or secondary dwelling is proposed and the OWM system for either dwelling cannot meet the requirements of Table 2 or Table 3, or
- g) the proposed system is located within flood affected land (see section 2.1.7), or
- h) a subdivision application is being considered, or
- i) a subsoil disposal or absorption system is proposed, or
- j) the proposed dwelling has more than 6 bedrooms, noting that Council may consider rooms which can be used for habitable purposes as bedrooms (for example, study rooms, theatres etc.).

A Wastewater Assessment Report is required with an application for all commercial systems.

Appendix B outlines the minimum requirements for a Wastewater Assessment Report. Section 4 of the *Onsite Wastewater Management Guidelines* and *AS/NZS 1547:2012* should also be used as a guide when preparing a Wastewater Assessment Report.

Table 2 – Sizing of Domestic Aerated Wastewater Treatment Systems’ Effluent Management Areas (EMA)

Sizing of AWTS EMA			
Suburb	No. of Bedrooms	Surface and Sub-Surface Irrigation Areas (m ²)	
		Reticulated Water	Tank Water
Sandy Soil Types Agnes Banks - east of Castlereagh Road. Castlereagh - north of Devlin Road and east of Castlereagh Road.	2	584	467
	3	779	623
	4	973	778
	5	1168	934
	6	1326	1090
Clay Soil Types Most other areas	2	417	334
	3	556	444
	4	695	556
	5	833	667
	6	972	778

Notes:

- (1) The irrigation areas in Table 2 are calculated using conservative figures to enable sustainable management of effluent. An applicant can provide a Wastewater Assessment Report to support a proposal for a smaller EMA.
- (2) The EMA is based on nutrient balances as they are considered to be the most limiting factors in these areas.
- (3) Figures in Table 2 are based on:
 - a. 150 litres per person/day or 120 litres per person/day for tank water supply
 - b. One person per bedroom and two for a master bedroom
 - c. TN output value of 25 mg/L and a Critical Loading Rate of 27 mg/m²/day
 - d. TP output value of 12 mg/L
 - e. P sorption capacity - 600,000 mg/m²/depth for clay soil types or 400,000 mg/m²/depth for sandy soil types
 - f. Design Irrigation rate of 15 mm/week for clay soil types or 35 mm/week for sandy soil types.
- (4) A Wastewater Assessment Report is required for applications with more than 6 bedrooms.
- (5) Council assesses effluent loading based on two persons for a master bedroom, two persons for a guest room and one person per additional bedroom. A study, media, theatre, or any other room that has the potential to be used as a bedroom, may be considered as an additional bedroom.
- (6) Council assesses effluent loading of all secondary dwellings on the assumption that the first bedroom is considered a master bedroom (2 Equivalent Persons).

Table 3 – Buffer Distances for OWM Systems

System	Buffer Distances
All parts of the OWM (tank and EMA)	<ul style="list-style-type: none"> • 250 metres to domestic groundwater well • 100 metres to permanent surface waters (e.g. rivers, creeks, streams, lakes etc.) • 40 metres to other waters (e.g. dams, stormwater easements, overland flow paths, intermittent waterways and drainage areas etc.) • 15 metres from an in-ground water tank • 1 metre from the drip line of native trees and shrubs
Tank	<ul style="list-style-type: none"> • Minimum 1.5 metres from dwelling, property boundaries & ancillary structures • Minimum 6 metres from swimming pools
Surface spray irrigation	<ul style="list-style-type: none"> • 15 metres to dwellings • 6 metres if area up-slope and 3 metres if area down-slope of buildings, driveways and property boundaries • 3 metres to paths and walkways • 6 metres to swimming pools and recreational areas • 40 metres to any market garden
Surface drip and trickle irrigation	<ul style="list-style-type: none"> • 6 metres if area up-slope and 3 metres if area down-slope of dwellings, swimming pools, property boundaries, driveways and buildings • 20 metres if area up-slope and 10 metres if area down-slope of any market garden.
Subsurface irrigation	<ul style="list-style-type: none"> • 6 metres if area up-slope and 3 metres if area down-slope of dwellings, swimming pools, property boundaries, driveways and buildings • 20 metres if area up-slope and 10 metres if area down-slope of any market garden.
Absorption system	<ul style="list-style-type: none"> • 12 metres if area up-slope and 6 metres if area down-slope of property boundaries and dwellings • 6 metres if area up-slope and 3 metres if area down-slope of swimming pools, driveways and buildings • 20 metres if area up-slope and 10 metres if area down-slope of any market garden.

Notes:

- (1) Additional buffer distances may be required as identified during Council's assessment of the development proposal.
- (2) EMAs on market gardens sites are required to be fenced.
- (3) In the event that buffer distances to domestic groundwater wells, surface and other waters cannot be achieved, a Wastewater Assessment Report is required to provide viral die-off modelling in accordance with the methodology referenced in Section 6.7 of the Onsite Wastewater Management Guidelines.

2.1.2. Additional Requirements for Aerated Wastewater Treatment Systems (AWTS)

The following requirements need to be considered in conjunction with Section 2.1.1 for all AWTS:

- All EMAs are to be suitably designed and located based on site characteristics and environmental constraints. Appendix C shows an example of an EMA layout for a domestic system.
- The EMA for the system is to be calculated using the hydraulic and nutrient loading rates, and the resulting EMA size will depend on the most limiting factor. Both calculation methods should be included in the Wastewater Assessment Report. The larger of the two areas must be provided as the minimum EMA.
- AWTS must be inspected and serviced by an experienced service agent in accordance with the NSW Health accreditation. This service must also be carried out according to the manufacturer's instructions. The system owner is responsible for organising service inspections, and the resulting service report must be provided to Council **electronically**. Refer to Appendix D for further information regarding AWTS service requirements.

Note: For the purposes of this Policy, the provisions for AWTS throughout this document also apply to Biological Filter Systems and Wet Composting Systems (that include an irrigation system) when it can be demonstrated that the quality of the treated effluent is equivalent to that produced by an AWTS.

2.1.3. Additional Requirements for Absorption Beds, Trenches & Mounds

The following requirements need to be considered in conjunction with Section 2.1.1 for all absorption bed, absorption trench and mound systems:

- The design requirements of the AS/NZS 1547:2012 *On-Site Domestic Wastewater Management* and the *Onsite Wastewater Management Guidelines*, and those considerations stated elsewhere in this Policy are to be followed.
- As per AS/NZS 1547:2012, a reserve area that is 100% of the design EMA shall be made available on a site for the resting of the management area, or for the duplication or upgrade of the EMA if it is required at some future time. The reserve area shall be protected from any development that would prevent it being used in the future. Reserve EMAs must be shown on plans submitted to Council when seeking installation approval.

2.1.4. Additional Requirements for Pump-out Systems

New pump-out systems are not supported unless in exceptional circumstances.

The following requirements need to be considered in conjunction with Section 2.1.1 for all pump-out systems:

- Effluent must be pumped out at least once a week (unless otherwise approved by Council).
- A suitable service provider is to be engaged to pump out the tank/s and dispose of the waste at a licensed waste facility.
- Owners of pump-out systems (except those systems covered by Council's domestic service) must provide pump-out records to Council as per the conditions of their 'Approval to Operate' or on request (including volumes, service provider details, system details and the disposal location).

2.1.5. Commercial Systems

Commercial systems regulated by Council are generally sized between 10EP and 2500EP (EP - equivalent persons). Systems receiving commercial or industrial type wastewater may also be classified as a commercial OWM system, regardless of the wastewater loading.

Commercial systems require both installation and operational approvals from Council. Any application for a commercial OWM system must be supported by a Wastewater Assessment Report completed by a suitably qualified wastewater consultant. Applicants must ensure that the proposal is consistent with the requirements outlined in the NSW Department of Planning, Industry and Environment's *Liquid Trade Waste Management Guidelines 2021*. All applicants are recommended to seek pre-lodgment advice from Council prior to the submission of an installation or modification application.

2.1.6. Dual Occupancies & Secondary Dwellings

Each dwelling within a dual occupancy arrangement is to be serviced by its own OWM system.

If a dual occupancy or secondary dwelling is proposed, the OWM system must comply with the requirements of Table 2 and Table 3 for each dwelling, or a Wastewater Assessment Report is to be provided. The Wastewater Assessment Report is to identify all existing and proposed OWM infrastructure, including EMAs and reserve EMAs, on the property.

Secondary dwellings may be serviced by an existing OWM system only where it can be

demonstrated to the satisfaction of Council through a Wastewater Assessment Report, that the system and the site have the capacity to manage effluent effectively. It must be demonstrated that the site has sufficient land available for the replacement and/or alteration of the existing system in the future.

2.1.7. Flood Liable Land

OWM systems, including the tank/s and EMA, are to be installed outside areas of the property affected by mainstream flooding or local overland flow paths in the 1% AEP (1:100) flood event. The buffer distances of Table 3 also need to be addressed. If an alternative location for the OWM system cannot be found on the property, a Wastewater Assessment Report is required to be submitted with the application.

The Wastewater Assessment Report must assess and consider the effects of the flooding on the proposed system's tank/s and EMA and provide mitigation measures to minimise the impacts of flooding. Any proposal for the OWM system should consider the provisions of Section 3.5 Flood Planning in Council's Development Control Plan 2014. Development which relies on OWM in a 5% AEP (1:20) flood contour will not be supported.

Generally, Council will not support development obstructing overland flow paths. In particular, mound systems are not supported when constructed in an area identified as an overland flow path. Any mounding (including for OWM systems, stormwater diversion and raised garden beds) in areas affected by mainstream flooding are to address the filling of land below the flood planning level in accordance with Section 3.5 Flood Planning in Council's *Development Control Plan 2014*.

The electrical and mechanical components of the OWM system shall be located above the 1% AEP (1:100) flood contour. Where possible, tank/s should be located on flood free land.

If an existing system is to be replaced and/or altered on a property that is flood liable, all measures must be taken to protect the system and its components from being affected by flooding.

2.1.8. Subdivision & Rezoning Proposals

The following needs to be considered in relation to subdivision and rezoning proposals:

- A Wastewater Assessment Report will be required at the subdivision or rezoning planning stage. Potential OWM systems and available EMAs will need to be identified.
- Where a proposed subdivision includes an existing dwelling, the assessment shall demonstrate that the subdivision will not impact on the dwelling's ability to comply with this Policy.

- Subdivision proposals that rely on pump-out systems will not be supported. Subdivisions in unsewered areas must be designed to achieve the sustainable management and disposal of wastewater and to prevent impacts on human health and the environment.
- Subdivision proposals in unsewered areas that rely on an OWM system must provide minimum lot sizes in accordance with Council's Planning and Development Controls.

2.1.9. Decommissioning OWM Systems

OWM systems contain untreated wastewater and, if they are abandoned and/or incorrectly decommissioned, they may enable contaminants to enter into the soil and groundwater. Pathogens and nitrates from wastewater can have serious health and environmental impacts, including potentially contaminating the soil and groundwater and polluting local watercourses. Wastewater tanks that have not been correctly decommissioned may also pose a safety hazard on properties.

If a wastewater tank is to be decommissioned, the property owner is required to notify Council in writing, including the proposed date of decommissioning and the reason why the tank is being decommissioned. Decommissioning must then be carried out adhering to NSW Health's *Advisory Note 3 – Revised January 2017: Destruction, Removal or Reuse Of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facility (SMF)*.

2.2. Operational Approvals

Section 68 of the *Local Government Act 1993* states that Council approval is required to operate a system of sewage management.

Existing OWM systems that are found to be functioning in a manner that meets the applicable performance standards and conditions of operation will be given a risk classification by Council. Council Officers reserve the right to amend the risk classification of an OWM system where site conditions or operating standards change.

The risk classification categories are:

- **Low**
- **Medium**
- **High**

All commercial systems are initially classified as high risk. Inspection fees may be applicable in accordance with Council's adopted Fees and Charges.

Note: Site limitations used to assess the risk classification of a system are outlined in Table 1 of this Policy.

The following outlines Council's procedures for issuing an 'Approval to Operate':

- New systems will be issued a 3-year approval when installed after a satisfactory final inspection.
- All existing operational approvals will be renewed prior to their expiry. This new approval will be issued automatically (except for new systems) by Council prior to the expiry date of the current approval.
- An 'Approval to Operate' may be renewed where there are known compliance issues, however, all compliance issues will be followed up to ensure they are resolved to the satisfaction of Council.

2.2.1. 'Approval to Operate' for new OWM systems

Prior to issuing an 'Approval to Operate' for a new system, Council Officers will conduct a number of inspections, including:

- Tank/s installation;
- Drainage lines between the tank and EMA;
- EMA;
- Final Inspection once all works are completed and the system is commissioned.

Final inspections are a pre-requisite prior to the issue of the 'Approval to Operate'. The 'Approval to Operate' will not be issued without a satisfactory final inspection.

Note: Council requires a minimum of 72 hours' notice to arrange a final inspection. Prior to backfilling, please contact Council's Environmental Health Team to arrange all inspections.

2.3. Inspection & Monitoring

The *Local Government Act 1993* gives Council the tools to regulate OWM systems, including the authority to inspect and monitor these systems. Regulation of OWM systems will include the following:

- An inspection program based on risk classification, where systems classified as high risk will be prioritised.
- The investigation and assessment of complaints related to OWM systems.

- Compliance with conditions of approval by system owners and operators.
- Re-inspections of failing systems will be required until the system meets the current health and environmental performance standards. Re-inspections are subject to fees in accordance with Council's adopted Fees and Charges. *Local Government Act 1993* Orders and penalty notices can be issued to ensure compliance with the conditions of approval, and to ensure wastewater is managed appropriately. Orders and penalty notices can also be issued if a system is found to be operating without an 'Approval to Operate' or installed or modified without approval.
- Penalty notices and Notices can also be issued for pollution offences under the *Protection of the Environment Operations Act 1997*.
- Orders and penalty notices may also be issued under the *Environmental Planning and Assessment Act 1979* where applicable.

3. Installation & Operation of On-Site Wastewater Management Systems

3.1. Reusing Greywater

Greywater can be diverted to your garden through a Greywater Diversion Device or a Greywater Treatment System in line with this Policy.

Greywater typically includes wastewater from showers, baths, hand basins, laundry tubs and washing machines. Wastewater from the kitchen, dishwashers and spas contains too much fat or is too acidic or alkaline for use with Greywater Diversion Devices. Wastewater from the toilet is too high in bacteria to reuse and is commonly referred to as blackwater.

3.2. Greywater Diversion Devices

Greywater Diversion Devices redirect untreated greywater to the garden for reuse by sub-surface irrigation. Greywater Diversion Devices in sewered areas that comply with the following requirements do not require approval from Council.

- The dwelling must not be connected to an OWM system.
- All Greywater Diversion Devices must have a WaterMark licence – accreditation from SAI Global.
- The dwelling must not form a part of a townhouse, villa or multi-unit development.
- Greywater is to be applied to the garden by sub-surface irrigation. This will reduce human exposure to the water. Sub-surface is defined as artificial watering of land through buried watering systems. Watering systems are to be no less than 100mm below ground surface.
- Greywater is to be used only during prolonged warm/dry periods, and volumes should be limited to those needed to meet plant water requirements.
- Ensure that the diversion system is 'fail-safe', that is greywater will automatically be diverted to the sewer if the greywater system blocks or otherwise malfunctions.
- Divert greywater to sewer during periods of wet weather.
- Do not divert kitchen wastewater, which has a high concentration of contaminants not readily broken down by soil organisms.
- Only divert the lowest risk greywater such as the shower, bath, hand basin and laundry rinse water.

- Never divert greywater that could have gross faecal contamination, for example water used to launder soiled nappies.
- Always wash your hands after gardening. Do not irrigate vegetable gardens supplying food crops that are eaten raw or undercooked as this could pose an unacceptable health risk.
- Never store untreated greywater for more than 24 hours, as concentrations of contaminants may reach dangerous levels.
- Do not allow greywater to pool or stagnate, as this will attract insects and rodents, which may transmit disease.
- Never allow greywater to discharge beyond property boundaries, as this may create environmental and public health risks.
- Never allow greywater to discharge to a drain or waterway, as it is likely to be harmful to aquatic life and is considered water pollution.
- Never drink greywater or allow pets or other animals to drink or have access to it.
- Do not allow the soil to become saturated. Carefully monitor the impact of greywater on the irrigation area in order to minimise the risk of a pollution incident.
- The installation of a Greywater Diversion Device is to comply with the Plumbing Code of Australia.
- The device is to be installed by a licensed plumber.
- The device is to comply with NSW state guidelines including guidelines and fact sheets produced by NSW Health, NSW Department of Climate Change, Energy, the Environment and Water (DCEEW) and WaterNSW. For single, detached households (no more than one dwelling), the *NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises* apply.

3.3. Domestic Greywater Treatment Systems

Greywater Treatment Systems are designed to collect, treat and reuse greywater. These systems treat the wastewater to a quality that enables it to be used above ground (spray irrigation). Domestic Greywater Treatment Systems must be accredited by NSW Health and require both installation and operational approval from Council.

It is important to note that although these systems are designed to achieve a level of water quality that is suitable for irrigation, the treated greywater is still not permitted to be reused for activities such as handheld hosing or washing motor vehicles. The reuse of greywater for flushing toilets and laundry uses is only permitted if the system is accredited for that use.

The requirements for installing a Greywater Treatment System are similar to that of an AWTs. When applying for an installation approval, the information marked in Appendix A will need to be provided with the application form.

3.4. Regulations for Greywater Reuse

The Local Government Act 1993 regulates installation and operational approvals for Domestic Greywater Treatment Systems and Greywater Diversion Devices. As with all wastewater management systems, it is the operator's responsibility to ensure the system is installed and operating correctly.

There are penalties for failing to operate these systems in an environmentally satisfactory manner. If required, Council will use provisions of the following legislation to ensure these systems do not impact on human health or the environment:

- Notices and Orders under the *Local Government Act 1993*.
- Notices under the *Protection of the Environment Operations Act 1997*.
- Penalty notices under the above legislation.

4. Connecting to Mains Sewer (Sydney Water)

Mains sewer systems are provided in residential areas to ensure safe collection, treatment and disposal of domestic, commercial and industrial wastewater. Properties located within an area that is serviced by mains sewer are generally required to be connected to the sewer and to dispose of their wastewater through that system.

Existing Sewered Areas

OWM systems will not be permitted when mains sewer is available and connection is possible.

Newly Sewered Areas

Properties within a newly sewered area will be required to connect to mains sewer within 12 months of the date of commissioning. Properties failing to connect may be directed to connect in accordance with the provisions of the *Local Government Act 1993*. Once connected, any existing OWM system is required to be decommissioned or alternatively converted to a Greywater Treatment System or Stormwater Tank in accordance with the relevant guidelines as issued by NSW Health. Council is required to be notified in writing once the system has been appropriately decommissioned or converted to a Greywater Treatment System or Stormwater Tank.

For both existing and newly sewered areas, proposed Greywater Treatment Systems and Greywater Diversion Devices will need to comply with Section 3 of this policy.

Conversion of an OWM System in a Newly Sewered Area

It may be possible to convert an OWM system to a stormwater vessel for the purpose of collecting and reusing stormwater for irrigation. However, conversions may not be appropriate on all sites. Contact Council for further information regarding the relevant requirements and guidelines.

5. Fees & Charges

The *Local Government Act 1993* allows fees and charges to be levied for:

- Applications to install or construct a sewage management system
- Applications to alter a sewage management system
- Applications to operate a sewage management system
- Inspections and re-inspections of sewage management systems

Council has adopted fees and charges for the On-Site Wastewater Management Program in its adopted 'Fees and Charges'. The Fees and Charges have been established to recover the costs of resourcing the program, in the areas of administration, monitoring and inspecting systems. Further information on where fees/charges are applicable is provided in Table 4.

Table 4 – Fees/Charges

	Installation	Issue of Approval to Operate	Operational Inspection	Inspection for non-compliance
AWTS	✓	✓	N/A	✓
Pump Out	✓	✓	N/A	✓
Other Domestic Systems	✓	✓	N/A	✓
Commercial / Non- Domestic Systems	✓	✓	✓	✓
Greywater Treatment System	✓	✓	N/A	✓
New Property Owners (where system already installed on property)	N/A	✓	N/A	✓

6. Policy Review & Evaluation

Council is committed to the continual improvement of on-site wastewater management within the LGA in accordance with best practice. This Policy will be reviewed to ensure that human and environmental health remain at the forefront of on-site wastewater management.

Appendices

Appendix A – Information to be provided with an Application to Install an OWM System

Table A1 – Information to be provided with an Application to Install

	Domestic AWTS	Pump Out	Other Domestic OWM Systems	Commercial	Greywater Treatment System
System design specifications	✓	✓	✓	✓	✓
NSW Accreditation Certificate (where applicable)	✓	✓	✓	N/A	✓
Effluent quality data	N/A	N/A	N/A	✓ ¹	N/A
Monitoring and maintenance schedule (for non-NSW Health accredited systems)	N/A	N/A	N/A	✓	N/A
Wastewater Assessment Report (also refer to Appendix B)	✓				
	Only if minimum requirements cannot be met	✓	✓	✓	✓
Site Plan (including proposed irrigation area dimensions and methods ² , see Appendix C for an example)	✓	✓	✓	✓	✓
Dwelling / Building floor plan	✓	✓	✓	✓	✓
Effluent Management Area Drainage and Landscaping Details	✓	✓	✓	✓	✓
Statement of Environmental Effects ³	✓	✓	✓	✓	✓

Notes:

- (1) Effluent quality data includes data which is derived from long term monitoring and analysis of the treated effluent from the same system to that proposed. At minimum, this is to include data on Biological Oxygen Demand (BODs), Faecal Coliform levels, Total Nitrogen, Total Phosphorus, pH levels, Suspended Solids and Free Chlorine levels. Council maintains the discretion to request further information if required.
- (2) The Site Plan needs to include information regarding the irrigation methods to be used for wastewater disposal. This information is to include the location, dimensions and number of irrigation lines, distribution lines, irrigation zones, standpipes and sprinklers depending on the type of wastewater disposal proposed.
- (3) A Statement of Environmental Effects is only required when the application to install an OWM system is submitted as part of an application for a new development. An Environmental Impact Statement (EIS) is required to be prepared for a Designated Development application.
- (4) All development applications submitted to Council in unsewered areas that require on-site wastewater management, and which cannot accommodate a system compliant with the requirements outlined Table 1, 2 and 3, must be supported by a Wastewater Assessment Report.

Appendix B – Preparing a Wastewater Assessment Report

The procedures in section 5.2.2.3 of *Australian Standard (AS/NZS 1547:2012) On-Site Domestic Wastewater Management* are to be followed when preparing a Wastewater Assessment Report. In addition, the below requirements need to be considered.

Wastewater load

A wastewater load of 150 litres per person per day is to be used for households with a reticulated water supply. For households with only tank water supply, a wastewater load of 120 litres per person per day is to be applied.

For commercial systems, the wastewater flows in Table B1 need to be applied when calculating the sizing of on-site wastewater management systems.

Table B1 – Information to be provided with an Application to Install

Source	Typical wastewater flow allowance in L/person/day ¹	
	On-site roof water tank supply	Reticulated community or a bore-water supply
Motels/hotels		
▪ guests, resident staff	120	150
▪ non-resident staff	30	40
▪ reception rooms	20	30
▪ bar trade (per customer)	20	25
▪ restaurant (per diner)	20	30
Community halls		
▪ banqueting	20	35
▪ meetings	10	15
Restaurants (per diner)		
▪ dinner	20	30
▪ lunch	15	25
Tea Rooms (per customer)		
▪ without restroom facilities	10	15
▪ with restroom facilities	15	25
School (pupils plus staff)	30	40
Rural factories, shopping centres	30	50
Camping grounds		
▪ fully serviced	100	130
▪ recreation areas	50	65
Note: These flows are minimum rates unless actual flows from past experience can be demonstrated.		

Number of persons

Council assesses effluent loading based on two persons for a master bedroom, two persons for a guest room and one person per additional bedroom. A study, media, theatre or any other room that has the potential to be used as a bedroom may be considered as an additional bedroom. Council assesses effluent loading of all secondary dwellings on the assumption that the first bedroom is considered a master bedroom.

Nutrient uptake

When considering the appropriate critical loading rate for nutrient uptake, details of the vegetation to be used within the management area are to be provided along with any maintenance requirements for that vegetation. Where the disposal calculations include nutrient uptake by vegetation, the type of vegetation is to be such that it results in nutrient uptake all year round.

Appropriately sized and located Nutrient Uptake Areas (NUAs) may be suitable for some sites. See section 6.3.4 of the Onsite Wastewater Management Guidelines for further information on NUAs.

Native vegetation

The potential impact of wastewater on native vegetation needs to be addressed. Special consideration must be given to land mapped within the NSW State Government's Biodiversity Values Map. Council may require the management area to be relocated or the applicant to carry out a Flora and Fauna Assessment to demonstrate that there is no significant impact.

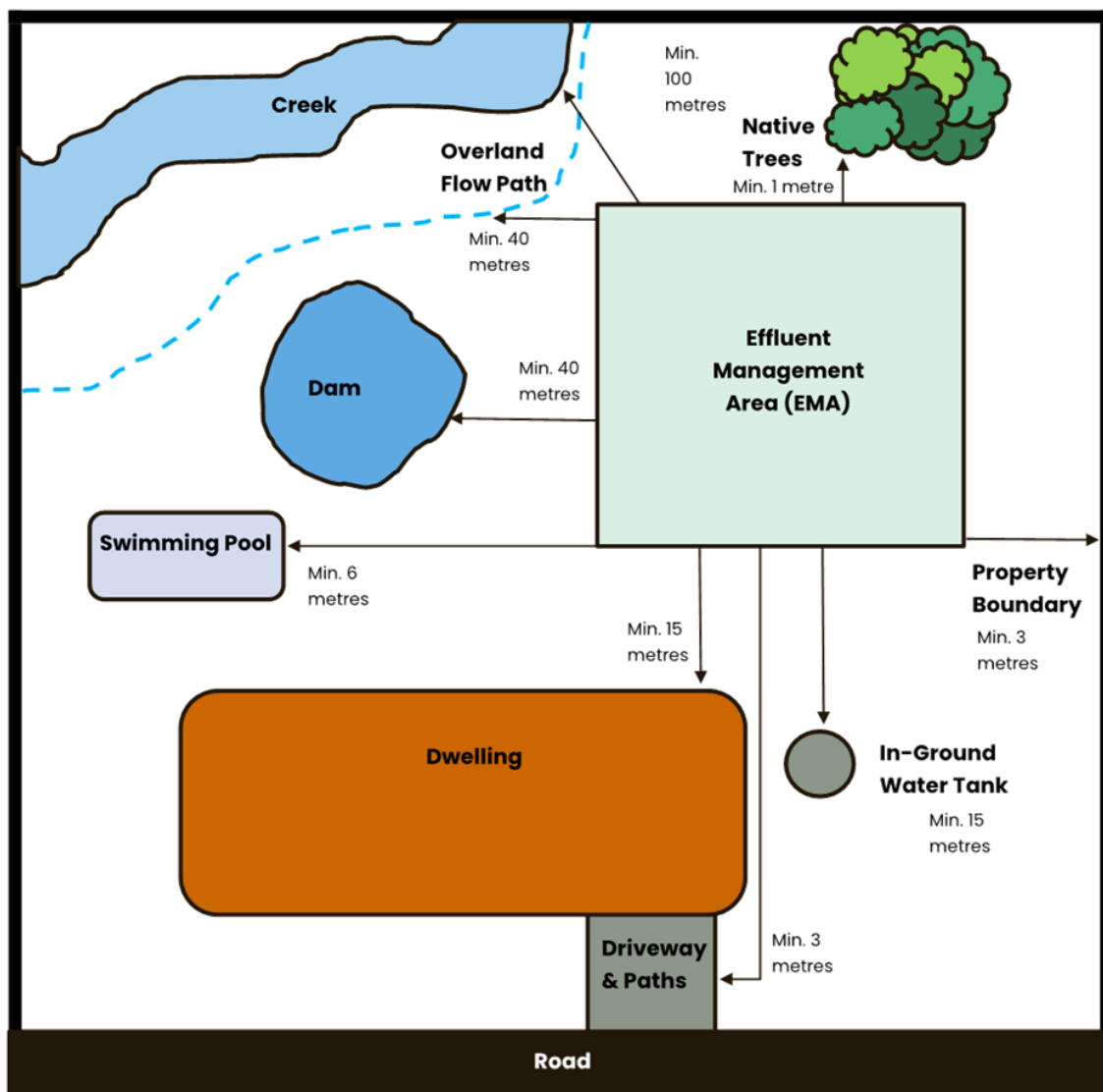
Buffer distances

The Wastewater Assessment Report must give consideration to the buffer distances provided in Table 3 of this policy. The report must provide suitable justification for non-compliant buffer distances.

Effluent Management Area sizes and location

The Wastewater Assessment Report must provide suitable justification for the sizing and location of the proposed EMA. The site plan is to clearly identify the proposed EMA location on the site, the location of all other development (existing and proposed), slope of land, and show all relevant buffer distances.

Appendix C – Example Layout for an Effluent Management Area



The above diagram demonstrates an Effluent Management Area (EMA) layout on a **level site** for **spray irrigation** and is not drawn to scale. All plans submitted to Council are to be drawn to scale and be site specific.

Note: Additional buffer distances may be required as identified during Council's assessment of the development proposal.

Appendix D – Aerated Wastewater Treatment System Servicing & Reporting Requirements

It is the responsibility of an AWTS owner/operator to have their system serviced. AWTS must be inspected and serviced by an experienced service agent in accordance with the NSW Health accreditation. In accordance with NSW Health's *Advisory Note 5 – February 2018 Servicing of Single Domestic Secondary Treatment Sewage Management Facilities (SMF)*, Council does not permit property owners or occupiers to undertake this servicing.

1.1 AWTS Service Agent Requirements

The following requirements apply to service agents:

- Each service agent shall provide a registered business office which, if unattended during business hours, is provided with a telephone answering device or service.
- A means of reporting a system malfunction or breakdown outside normal business hours shall be available.
- In the event of a breakdown or malfunction, the agent shall, within 24 hours of the breakdown or malfunction, ensure that repairs are carried out to the AWTS to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

1.2 AWTS Servicing Requirements

The system operator shall enter into a service agreement with the manufacturer, distributor or other person accepted by Penrith City Council to service the AWTS every three (3) months from the date of commissioning (or for a period as required by the NSW Health accreditation).

The three-monthly service shall include a check on all mechanical, electrical and functioning parts of the aerated system including:

- the chlorinator
- replenishment of the disinfectant

- the UV disinfection unit (where applicable)
- all pumps and switches
- the air blower, fan or air venturi
- the alarm system
- the EMA and irrigation spray outlets and/or sub-surface irrigation lines and filters
- the slime growth on the filter media, and the operation of the sludge return system.

The following field tests are to be carried out at every service:

- free residual chlorine using DPD colorimetric or photometric method
- pH from a sample taken from the irrigation chamber
- dissolved oxygen from a sample taken from the final aeration or stilling chamber (recommended but optional).

On the anniversary date of the commissioning of the system, the service shall also include a check on the sludge accumulation in the AWTS.

For systems which use the sewage treatment principle of activated sludge or contact aeration, a sludge bulking test, known as a SV30 Test, shall also be conducted on an annual basis. This test is to determine whether the accumulated sludge is bulking, indicating that the aeration compartment(s) will require de-sludging.

1.3 AWTS Reporting Requirements

On completion of each service, a legible service report sheet is to specify:

- all service items and test result figures
- detailed description of any tests and observations undertaken on the effluent management area (including all distribution lines, sprinklers and associated plumbing)
- amount of chlorine compound provided OR specific actions taken for other forms of disinfection
- date and time the service was conducted, and

- technician's name and contact details.

A copy of the service report is to be:

- given to the system operator, and
- provided to Penrith City Council **electronically**, no later than 14 days from the service date. Service agents are required to submit **individual electronic PDF** service reports to Council. **Multiple service reports within a single document will not be accepted.**

If Council receives a service report that does not comply with the above requirements, the report may be returned to the system operator or service provider requesting further information or the carrying out of an inspection.

Processing fees may be charged to service agents for each system/property that does not comply with the above electronic/individual requirement.

Appendix E – Alternative Wastewater Options

There are other types of on-site wastewater management systems in addition to those already covered in this Policy. Council will consider applications for these systems based on their merit. For further information about these systems, please see the NSW Health website and the WaterNSW document *Designing and Installing On-Site Wastewater Management Systems*. The requirements of Section 2.1.1 still need to be met for the installation of these systems.

Composting Toilets

Composting toilets can have either a dry or wet composting process. They rely on the principle of aerobic composting or bio degradation of organic matter. They work by providing an enclosed environment for the natural decomposition process which is aided by microorganisms (aerobic bacteria). If properly composted according to the accredited manufacturer's standards, the end product is a nutrient rich fertiliser that can be used on plants thereby reducing the need for commercial fertiliser while also saving water.

Sand Filter System

Sand filter systems generally use a sand bed with a gravel or geotextile base, all protected by an impermeable liner, to filter wastewater. Wastewater from a treatment tank is piped to the filter system, and the wastewater then filters through the sand layer, after which it may be disinfected prior to being piped to a management area. Sand filter systems may also be recirculating, and be located above, partially above, or below the ground. The surface may be mounded to help divert rainwater from the surface of the system.

Mound

A mound system is a soil absorption system which is raised above the natural soil surface. Wastewater from the dwelling is sent to a holding tank (septic or AWTS), and the effluent is then pressure dosed to the mound. Mounds generally use a fill material such as a sand media. Mound systems can overcome many site restrictions including shallow permeable soils over a porous bedrock, permeable soils with a high-water table and slowly permeable soils.

Biological Filter Systems

A biological filter system involves the combination of two treatment techniques. The waste is first made to pass through filter beds and is then subjected to aerobic decomposition with the aid of biological microorganisms such as worms, beetles, mites and other soil fauna. The treated effluent is then disposed of by sub-surface irrigation or absorption trenches.

Appendix F – Definitions

Absorption – Uptake of liquid into soil.

Absorption Bed & Trench System – Sub-soil land application systems that rely on the capacity of the soil to accept and transmit the applied hydraulic load.

Aerated Wastewater Treatment System – A wastewater treatment system that uses several processes to treat the wastewater to a satisfactory quality that allows it to be reused for irrigation purposes. *For the purposes of this Policy, the provisions for AWTS throughout this document also apply to Biological Filter Systems and Wet Composting Systems (that include an irrigation system) when it can be demonstrated that the quality of the treated effluent is equivalent to that produced by an AWTS.*

Audit – An official inspection and examination.

Bedroom – A room that has the potential to be used for sleeping, including a study, theatre or media room.

Catchment – The area from which a stream, river, lake or other body of water receives its water.

Commercial System – An on-site wastewater management system that is larger than 10 Equivalent Persons or receiving wastewater from a commercial/industrial premises.

Contamination – The presence of undesirable impurities in a substance.

De-sludging – Withdrawing sludge, scum and liquid from a tank.

Domestic Greywater Treatment System – A system that collects, treats and disinfects greywater generated by a household, for one or more of the following end uses: toilet and urinal flushing, washing machine, and surface or sub-surface irrigation.

Domestic System – An on-site wastewater management system that is less than 10 Equivalent Persons.

Domestic Wastewater – Wastewater arising from household activities, including wastewater from bathrooms, kitchens, and laundries.

Drip Line – A line around a plant directly under its outermost branch tips. Roots seldom grow beyond the drip line.

Dual Occupancy – Two dwellings on one lot of land that are either attached or detached, but does not include a secondary dwelling.

Effluent – Any waste products (treated or untreated) from any process or human activity.

Effluent Management Area (EMA) – A suitably sized area which is designed to effectively manage the disposal of wastewater.

Environmentally Sensitive Area – Are rivers, riparian land, escarpments and other scenic areas, conservation area sub-catchments, national parks and nature reserves, wetlands, other significant flora and fauna habitats and corridors, and known and potential acid sulphate soils. (As identified in *Local Government (General) Regulation 2021*)

Evaporation – When a liquid turns to vapour.

Existing OWM System – Means a system installed and operating prior to the adoption of this

policy.

Flood Liable Land - land susceptible to affectation by mainstream flooding or local overland flow paths.

Greywater - Domestic wastewater excluding toilet waste and may include wastewater arising from a hand basin, kitchen, bath, shower and laundry.

Greywater Diversion Device - A device that diverts greywater generated by a household for sub-surface irrigation reuse.

Groundwater - All underground waters.

Impermeable - Water is unable to move through the material.

In-ground Water Tank - a tank that has any part situated below the ground surface.

Intermittent Waterway - A waterway that is not permanent and may be influenced by rainfall.

Local Overland Flow - local runoff from sub-catchments rather than overbank discharge from a stream, creek, river, estuary, lake or dam.

Mains Sewer - Mains sewer is a centralised sewerage system. In the Penrith LGA, mains sewer is operated by Sydney Water.

Mound System - A soil absorption system which is raised above the natural soil surface. Wastewater from the dwelling is sent to a holding tank (septic or AWTS), and the effluent is then pressure dosed to the mound.

Nutrients - A substance that is essential for plant or animal growth, such as nitrogen and phosphorous.

Permanent Surface Water - A body of water that is present at all times. Includes, but is not limited to, rivers, creeks, streams and lakes.

Permeability - The general term used to describe the rate of water through a substance.

Pump-out System - Systems that include a collection well that receives effluent from a septic tank that is frequently pumped out and removed from the property by a licensed contractor.

Secondary Dwelling - A self-contained dwelling that is established in conjunction with another dwelling (the principal dwelling) and is on the same lot of land. The total area of the secondary dwelling must not exceed the greater of 60 square metres or 10% of the total floor area of the principal dwelling.

Sub-surface Irrigation - Artificial watering of land through buried watering systems. Watering system is to be no less than 100mm below ground surface.

Surface Irrigation - Artificial watering of land through an above ground system.

Unsewered - Not connected to a reticulated sewerage system.

Wastewater - Water that carries wastes from residential, industrial or commercial premises. Water that has been contaminated by some activity. Includes greywater and sewage.

Wastewater Assessment Report - A detailed assessment prepared by a suitably qualified consultant that applies relevant standards and guidelines to determine the suitability of the proposed system and disposal method.

Attachment 2: Submission/Enquiry Summary				
Respondent	Submission Summary	Council Response	Council Action	Document Change
1 (Submission)	Concerns raised regarding why property owners are receiving a letter advising them that the Policy is on review.	Council sent letters out to property owners to ensure that any person affected had sufficient time to review and respond to the changes proposed in the Revised Policy. The purpose of the letter was advisory only.	No further Council action required as purpose of the letter was to advise public only.	No
	Property owner also concerned that the revision of the Policy will result in a financial burden if they are required to upgrade or modify their On-site Wastewater Management (OWM) System.	The adoption of the revised Policy does not require automatic upgrades to existing approved systems. Clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern.	Clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern raised.	Yes
2 (Submission)	The rationale for changing the Program name to 'On-site Wastewater Management (OWM)' is not clearly explained.	Council's decision to change the name of the Program and the Policy to 'On-site Wastewater Management' is due to the Office of Local Government updating a guiding document in 2025 for the assessment and regulation of On-site Sewage Management and Greywater systems. Changing the name of the Program and Policy will ensure that Council's Policy remains consistent with relevant State Government guidance documents.	No changes are proposed to ensure that consistency is achieved between Council's overall Program and Policy document with relevant State Government guidance documents.	No
	The criteria for the introduction of the High/Medium/Low risk classification is not clearly explained.	The criteria for the assessment and risk classification of systems is clearly defined in the Policy on Page 16 and states that 'site limitations used to assess the risk classification of a system are outlined in Table 1 of this Policy'. Table 1 of the Policy outlines all Site Assessment Guidelines, including if the property has flood potential, existing site drainage, slope and buffer distances to sensitive receivers.	No changes are proposed as this concern is already adequately covered within the Policy.	No
	Concerns raised regarding why Aerated Wastewater Treatment System (AWTS) service sheets are required in PDF format within 14 days from the date of service.	Service sheets have always been required to be provided to Council within 14 days from the date of system service as a condition of the Approval to Operate - this is not a new introduction within the revised Policy. The changes to service sheets being provided in PDF format was introduced due to the current administrative burden placed on Council due to the approximately 11,600 reports received annually. Having sheets provided in PDF format ensures that they can be saved efficiently into Council's record system. The majority of service providers already provide service sheets via PDF format.	No changes to the Policy are proposed as the requirements to provide service sheets to Council within 14 days from the date of service is already a requirement under the Approval to Operate. The introduction of a single PDF submission is intended to reduce the administrative burden on Council.	No
	Concerns raised regarding what site assessment criteria was updated and how these affect existing systems.	The updates to the Site Assessment Criteria included the introduction of new and amended buffer distances and the inclusion of 'fill' during the site assessment process. These changes were made to ensure that Council's Policy remains consistent with relevant State Government guidance documents. Furthermore, buffer distances such as those relating to market gardens, were introduced to ensure Council's Policy is consistent with surrounding Council's, including Hawkesbury and Camden Council's.	No revision or amendment to the Policy is considered necessary in this instance as Council's Policy stance aligns with guidance documents including the Office of Local Government's Onsite Wastewater Management Guidelines (2025). The site assessment criteria adopted by Council are outlined within the above guidance document.	No
	Resident raised concerns that the introduction of new or amended buffer distances may render previously compliant systems non-compliant.	As outlined above, the adoption of the revised Policy does not require automatic upgrades to existing systems. Clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern. In cases where Council has approved the installation of a system through a technical Wastewater Report or suitable justification, the system is not required to be upgraded or modified.	Clarification has been added to Section 1.2 'Scope' of the Revised Policy to further clarify this concern raised.	Yes

Attachment 2: Submission/Enquiry Summary				
Respondent	Submission Summary	Council Response	Council Action	Document Change
	Resident concerned about the requirements for commercial systems, secondary dwellings, dual occupancies and flood prone land and that these requirements will introduce new obligations or restrictions.	The requirements for commercial systems, secondary dwellings, dual occupancies and flood prone land include an approach that allows property owners to comply with Council's Policy so that a Wastewater Assessment Report is not required through the development assessment process. The Policy allows flexibility in these requirements through site specific assessment when supported by suitably qualified technical evidence. Furthermore, the Policy stance aligns with State Government guidance documents including the Office of Local Government's Onsite Wastewater Management Guidelines (2025).	Accordingly, no revision or amendment to the Policy is considered necessary in this instance as Council's Policy stance aligns with guidance documents including the Office of Local Government's Onsite Wastewater Management Guidelines (2025). Furthermore, in instances where these requirements can not be met, the Policy allows flexibility if a Wastewater Assessment Report with suitably justified technical advice is provided in support of the proposed development.	No
	Resident concerned that decommissioning requirements were added to the Policy and that the Policy does not specify where decommissioning is required.	The inclusion of Section 2.1.9, relating to the decommissioning of on site wastewater management systems, is appropriate and consistent with NSW Health's Advisory Note 3 (2017) and the Office of Local Government's Onsite Wastewater Management Guidelines (2025), with both documents identifying that unused or abandoned infrastructure can pose ongoing public health and environmental risks if not properly rendered inactive. System decommissioning will only be required where a system is no longer required or where there is an imminent risk to public health or the environment.	The requirements for system decommissioning are not new and are based on previously published State Government guidance documents in 2017 and 2025. System decommissioning will only be required where a system is no longer required or where there is an imminent risk to public health or the environment. Therefore, these requirements are not anticipated to result in a further financial burden to property owners and amendment to this section is not considered required.	No
3 (Submission)	Concerns relating to the Policy being overly conservative in the requirements to comply with buffer distances to sensitive receivers.	Buffer distances are intentionally designed as minimum baseline standard to manage public health and environmental risks under worst case conditions, including variable soil types, shallow groundwater, long term nutrient accumulation and periods of sub optimal system performance. Buffer distances are a critical risk mitigation measure and provide a safety margin where long term maintenance and system reliability cannot be guaranteed. The Policy stance further aligns with State Government guidance documents including the Office of Local Government's Onsite Wastewater Management Guidelines (2025). The Policy allows for reduced buffer distances through site specific assessment when supported by suitably qualified technical evidence, therefore, no changes to the Policy are proposed.	The Policy allows for reduced and flexible buffer distances through site specific assessment when supported by suitably qualified technical evidence in the form of a Wastewater Assessment Report, therefore, no changes to the Policy are proposed. While community feedback characterised the amended Policy as conservative, Council considers the changes appropriate to manage and minimise environmental and public health risks. As a result no substantive amendments were made, however, clarification regarding potential automatic upgrade implications has been added to Section 1.2 ('Scope') of the revised Policy.	Yes
	Concerns relating to the Policy being overly conservative in the requirements for calculating nutrient balance, which in turn result in a larger Effluent Management Area (EMA).	Council has adopted an appropriate approach within the Policy to ensure that property owners have the ability to calculate a suitable Effluent Management Area (EMA) without the need for a Wastewater Consultant. This approach is taken with many aspects of the Policy, including buffer distances. The Policy allows flexibility in these requirements through site specific assessment when supported by suitably qualified technical evidence. Should an applicant wish to propose a reduced EMA, suitable justification can be provided to Council in the form of a Wastewater Assessment Report.	No revision or amendment to the Policy is considered necessary in this instance as property owners are not required to engage the services of a Wastewater Consultant when calculating a suitable EMA. While community feedback characterised the amended Policy as conservative, Council considers the changes appropriate to manage and minimise environmental and public health risks. As a result no substantive amendments were made, however, clarification regarding potential automatic upgrade implications has been added to Section 1.2 ('Scope') of the revised Policy.	Yes

Attachment 2: Submission/Enquiry Summary				
Respondent	Submission Summary	Council Response	Council Action	Document Change
	Concerns relating to the overly conservative requirements for dual occupancies and secondary dwellings.	<p>Council's approach to secondary dwellings and dual occupancies is considered appropriate to manage cumulative wastewater loading and operational risk over time. This requirement has not changed since the revision of the Policy in 2014 and ensures that intensification does not progressively compromise system performance, particularly where maintenance standards or ownership arrangements may change.</p> <p>This approach caters for worst case scenarios and protects public health and environmental outcomes, while still allowing flexibility where additional capacity can be robustly demonstrated through technical assessment.</p>	<p>Council's approach to dual occupancy arrangements is appropriate to ensure that cumulative loading is managed over time as owners or occupiers in a dwelling change.</p> <p>While community feedback characterised the amended Policy as conservative, Council considers the changes appropriate to manage and minimise environmental and public health risks. As a result no substantive amendments were made, however, clarification regarding potential automatic upgrade implications has been added to Section 1.2 ('Scope') of the revised Policy.</p>	Yes
	The Policy is overly conservative in its requirements for flood-prone areas and upgrades will be costly and onerous for property owners.	<p>Council's requirements for on site wastewater systems in flood prone areas reflect a risk based approach to managing the heightened likelihood of system failure and environmental contamination during flood events. Flooding represents a worst case operating condition for systems, and Council considers it appropriate to reduce reliance on systems that may fail during inundation.</p> <p>The Policy allows flexibility in these requirements through site specific assessment when supported by suitably qualified technical evidence. Should an applicant wish to propose a reduced EMA, suitable justification can be provided to Council in the form of a Wastewater Assessment Report.</p>	<p>No revision or amendment to the Policy is considered necessary in this instance. In instances where compliance with these requirements can not be achieved, suitable justification can be provided to Council in the form of a Wastewater Assessment Report.</p> <p>The Policy stance aligns with State Government guidance documents including the Office of Local Government's Onsite Wastewater Management Guidelines (2025).</p> <p>While community feedback characterised the amended Policy as conservative, Council considers the changes appropriate to manage and minimise environmental and public health risks. As a result no substantive amendments were made, however, clarification regarding potential automatic upgrade implications has been added to Section 1.2 ('Scope') of the revised Policy.</p>	Yes
4 (Submission)	Concerns were raised relating to the requirements for rezonings and subdivision of property. Resident concerned that systems will be required to be updated at a large cost to the property owner.	<p>The requirements for property rezoning and subdivisions are outlined in Section 2.1.8 of the revised Policy. These requirements are general in nature as every development application and rezoning context is different and needs to be assessed on its individual merits.</p> <p>Automatic upgrades or decommissioning of OWM systems are not required for existing approved systems, which means that a financial burden is not incurred by the property owner.</p>	<p>As the adoption of the revised Policy does not require automatic upgrades to existing approved systems, and the requirements for rezoning and subdivision applications are already explained in Section 2.1.8 of the Policy, no further amendments are proposed.</p> <p>As a result no substantive amendments were made, however, clarification regarding potential automatic upgrade implications has been added to Section 1.2 ('Scope') of the revised Policy.</p>	Yes
5 (Submission)	A concern was raised relating to calculated effluent management area sizing with regard to use of generic soil, hydraulic and nutrient loading figures.	<p>The Policy states in Note 1 of Table 2 that "The irrigation areas in Table 2 are calculated using figures to enable sustainable management of effluent. An applicant may provide a Wastewater Assessment Report to support a proposal for a smaller Effluent Management Area (EMA)."</p> <p>This provision allows a suitably qualified person to develop and justify a proposal that departs from the default sizing specified in Table 2. A reduction must demonstrate that the proposed system will achieve sustainable effluent management outcomes.</p>	<p>No changes are proposed as this concern is already adequately covered within the Policy.</p>	No

Attachment 2: Submission/Enquiry Summary				
Respondent	Submission Summary	Council Response	Council Action	Document Change
	A concern was raised relating to the provision of guidance on irrigation area zoning, flushing provisions, filtration requirements, types of distribution lines and pressure management.	These matters are highly site and system specific and typically relate to situations where a Wastewater Assessment Report has already been or will be prepared. In such cases, the report outlines detailed design requirements and justifications, and as such, a standardised approach is not appropriate.	No changes are proposed as these matters are highly site and system specific.	No
	A concern was raised relating to the minimum setback from a tank to a structure.	The Policy introduces a new setback requirement for market gardens, while all other setback requirements have been retained from the previous Policy. During Council's assessment of an application, advice from a structural engineer may be sought where concerns arise or where site conditions warrant further consideration.	No changes are proposed as these matters are site specific and previous setback has been retained.	No
	A comment was received suggesting the inclusion of a requirement to maintain the irrigation area.	Maintenance requirements are considered inherent to the ongoing operation of the system and are addressed through existing regulatory provisions (approvals to install and operate), rather than being explicitly prescribed within the Policy.	No changes are proposed as this concern is already adequately addressed through the issue of installation and operational approvals.	No
6 (Enquiry)	Respondent raised a concern that the revision of the Policy will result in automatic upgrades to their approved system.	The adoption of the revised Policy does not require automatic upgrades to existing systems. Upgrades or modifications will only be required where a system is identified as being installed without Council approval or where there is an imminent risk to public health or the environment (i.e. where a system is failing). In cases where Council has approved the installation of a system through a technical Wastewater Report or suitable justification, the system is not required to be upgraded or modified.	The adoption of the revised Policy does not require automatic upgrades to existing approved systems and will only be required where a system is identified as failing or an imminent risk to public/environmental health as outlined in Section 1.2 'Scope'.	Yes
	Concerns were raised regarding the management of stormwater in the respondent's suburb of Cranebrook.	The management of stormwater is a separate issue and is not covered under the revised On-site Wastewater Management Policy.	As this matter does not relate to the revision of the Policy, no amendments are required to be made.	No
7 (Enquiry)	Respondent requested a hard copy of the Policy to be sent to mailing address.	Hard copies of both the Policy and Frequently Asked Questions were made available in Council's Civic Centre and St Marys Library for the public to review. Furthermore, electronic copies were made available on Council's YourSay page, and copies were emailed to interested parties. It is not possible for hard copies to be sent to multiple members of the public due to the cost incurred by Council.	The respondent was satisfied that should they wish to review a copy of the Policy that they could attend multiple Council locations to view it in hard copy. A such, no further Council action was required.	No
8 (Enquiry)	Enquirer was unable to use the computer and requested that the main changes to the Policy are explained over the phone.	The respondent was called and advised of the main changes to the policy, including the introduction of a high, medium and low risk classification system, introduction of new and amended buffer distances and requiring AWTS service sheets to be provided to Council through PDF format within 14 days of the date of service. The respondent clarified whether	The respondent was satisfied with the information provided over the phone and that should they wish to review a copy of the Policy, that they could attend multiple Council locations to view it in hard copy. A such, no further Council action was required.	No
9 (Enquiry)	Respondent wished to know why they had received a letter relating to the revised changes.	Council sent letters out to property owners to ensure that any person affected had sufficient time to review and respond to the changes proposed in the Revised Policy. The purpose of the letter was advisory only and the respondent was advised of this.	No further Council action required as letter purpose was to advise public only. Respondent was advised that should they wish to make a formal submission, that they had the opportunity to do this.	No

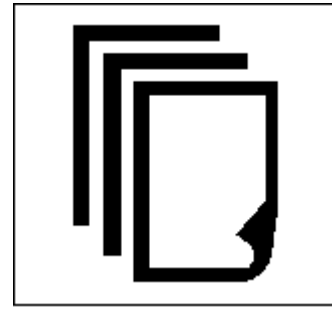
Attachment 2: Submission/Enquiry Summary				
Respondent	Submission Summary	Council Response	Council Action	Document Change
10 (Enquiry)	Enquiry relating to why they had received a letter about the revised Policy.	Council sent letters out to property owners to ensure that any person affected had sufficient time to review and respond to the changes proposed in the Revised Policy. The purpose of the letter was advisory only and the respondent was advised of this.	No further Council action required as letter purpose was to advise public only. Respondent was advised that should they wish to make a formal submission, that they had the opportunity to do this.	No
	Respondent also raised concerns that they already have their system maintained every 3 months, as required by their Approval to Operate, so will the revised Policy change this requirement.	The respondent was advised that they should continue to have their Aerated Wastewater Treatment System (AWTS) serviced quarterly and that the requirements of the Policy will not require them to automatically alter or upgrade their system. The requirements of their Approval to Operate will only have minor changes, which include changes to the service sheets being provided to Council within 14 days and via electronic PDF format only, however this is usually completed by their service agent.	Respondent advised that they will continue complying with their Approval to Operate and was satisfied that they will comply with the changes to the revised Policy. As such, no changes are proposed based on this respondent's feedback and queries.	No
11 (Enquiry)	Respondent wished to know why the Policy is being revised.	Respondent was called and advised that the Policy was being updated to reflect current best practices, improve environmental outcomes and ensure public health protection. Furthermore, the revision aligns with changes in guideline documents, advances in technology and community expectations around sustainable wastewater management. The respondent was advised that by updating the Policy, Council can better manage risks, support residents, and safeguard the local environment for future generations.	The respondent was satisfied with the answer provided and no further changes to the Policy were proposed.	No
12 (Enquiry)	Enquiry relating to why they had received a letter about the revised Policy.	Council sent letters out to property owners to ensure that any person affected had sufficient time to review and respond to the changes proposed in the Revised Policy. The purpose of the letter was advisory only and the respondent was advised of this.	No further Council action required as letter purpose was to advise public only. Respondent was advised that should they wish to make a formal submission, that they had the opportunity to do this.	No
	Respondent also wished to know whether they will need to upgrade their system based on the revised Policy.	Respondent was advised that the adoption of the revised Policy does not require automatic upgrades to existing systems. Upgrades or modifications will only be required where a system is identified as being installed without Council approval or where there is an imminent risk to public health or the environment (i.e. where a system is failing). In cases where Council has approved the installation of a system through a technical Wastewater Report or suitable justification, the system is not required to be upgraded or modified.	The adoption of the revised Policy does not require automatic upgrades to existing approved systems. Clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern.	Yes
13 (Enquiry)	Respondent wanted to confirm that they did not have to automatically upgrade their system.	Respondent was advised that the adoption of the revised Policy does not require automatic upgrades to existing systems. Upgrades or modifications will only be required where a system is identified as being installed without Council approval or where there is an imminent risk to public health or the environment (i.e. where a system is failing). In cases where Council has approved the installation of a system through a technical Wastewater Report or suitable justification, the system is not required to be upgraded or modified.	The adoption of the revised Policy does not require automatic upgrades to existing approved systems. Clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern.	Yes

Attachment 2: Submission/Enquiry Summary				
Respondent	Submission Summary	Council Response	Council Action	Document Change
14 (Enquiry)	Respondent raised concerns relating to the requirements for secondary dwellings and dual occupancies arrangements.	Council's approach to secondary dwellings and dual occupancies is considered appropriate to manage cumulative wastewater loading and operational risk over time. This requirement has not changed since the revision of the Policy in 2014 and ensures that intensification does not progressively compromise system performance, particularly where maintenance standards or ownership arrangements may change. This approach caters for worst case scenarios and protects public health and environmental outcomes, while still allowing flexibility where additional capacity can be robustly demonstrated through technical assessment.	Council's approach to dual occupancy arrangements is considered appropriate to ensure that cumulative loading is managed over time as owners or occupiers in a dwelling change. The adoption of the revised Policy does not require automatic upgrades to existing approved systems and clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern. Accordingly, no revision or amendment to the Policy is considered necessary.	Yes
15 (Enquiry)	Respondent raised concerns relating to the requirements for secondary dwellings and dual occupancies arrangements.	Council's approach to secondary dwellings and dual occupancies is considered appropriate to manage cumulative wastewater loading and operational risk over time. This requirement has not changed since the revision of the Policy in 2014 and ensures that intensification does not progressively compromise system performance, particularly where maintenance standards or ownership arrangements may change. This approach caters for worst case scenarios and protects public health and environmental outcomes, while still allowing flexibility where additional capacity can be robustly demonstrated through technical assessment.	Council's approach to dual occupancy arrangements is considered appropriate to ensure that cumulative loading is managed over time as owners or occupiers in a dwelling change. The adoption of the revised Policy does not require automatic upgrades to existing approved systems and clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern. Accordingly, no revision or amendment to the Policy is considered necessary.	Yes
16 (Enquiry)	Enquiry regarding how the risk classification will occur and what aspects Council looks at to determine risk rating.	The criteria for the assessment and risk classification of systems is clearly defined in the Policy on Page 16 and states that 'site limitations used to assess the risk classification of a system are outlined in Table 1 of this Policy'. Table 1 of the Policy outlines all Site Assessment Guidelines, including if the property has flood potential, existing site drainage, slope and buffer distances to sensitive receivers.	No changes are proposed as this concern is already adequately covered within the Policy.	No
	Respondent also queried if the risk rating and changes to issuing the approval to operate will mean that they are financially disadvantaged if their system is classified as high risk.	Respondent was advised that the introduction of these categories are administrative in nature and will not result in increased fees for property owners.	However, following further consideration and having regard to this feedback, it was determined that the current practice of issuing Approvals on a three-year cycle should be retained, ensuring administrative efficiency is maintained and to ensure that the implementation of the Policy and overall Program is not further delayed.	Yes
17 (Enquiry)	Respondent queried whether Sydney Water will be providing a sewer connection to Orchard Hills.	Respondent advised that this concern should be raised with Sydney Water as Council has no jurisdiction over this matter. This enquiry is irrelevant to the revision of the On-site Wastewater Management Policy.	No Council action required as this matter is not related to the On-site Wastewater Management Policy.	No
18 (Enquiry)	Enquiry relating to why they had received a letter about the revised Policy.	Council sent letters out to property owners to ensure that any person affected had sufficient time to review and respond to the changes proposed in the Revised Policy. The purpose of the letter was advisory only and the respondent was advised of this.	No further Council action required as letter purpose was to advise public only. Respondent was advised that should they wish to make a formal submission, that they had the opportunity to do this.	No

Attachment 2: Submission/Enquiry Summary				
Respondent	Submission Summary	Council Response	Council Action	Document Change
19 (Enquiry)	Respondent was enquiring whether the revision of the Policy would require automatic upgrades to their system as the respondent had only just gotten approval to upgrade their system, at a large cost.	Respondent was advised that the adoption of the revised Policy does not require automatic upgrades to existing systems. Clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern. In cases where Council has approved the installation of a system through a technical Wastewater Report or suitable justification, the system is not required to be upgraded or modified.	The adoption of the revised Policy does not require automatic upgrades to existing approved systems and clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern.	Yes
20 (Enquiry)	Respondent queried if high-risk systems would be disadvantaged in terms of fees or getting Approval to Operates issued more often.	Respondent was advised that the introduction of these categories are administrative in nature and will not result in increased fees for property owners.	However, following further consideration and having regard to this feedback, it was determined that the current practice of issuing Approvals on a three-year cycle should be retained, ensuring administrative efficiency is maintained and to ensure that the implementation of the Policy and overall Program is not further delayed.	Yes
21 (Enquiry)	Enquiry about new buffer distances to market gardens. Will I be required to upgrade or modify my system to meet these buffer distances.	Respondent was advised that the adoption of the revised Policy does not require automatic upgrades to existing systems. Clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern. In cases where Council has approved the installation of a system through a technical Wastewater Report or suitable justification, the system is not required to be upgraded or modified.	The adoption of the revised Policy does not require automatic upgrades to existing approved systems and clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern.	Yes
22 (Enquiry)	Respondent wanted to confirm that they did not have to automatically upgrade their system.	Respondent was advised that the adoption of the revised Policy does not require automatic upgrades to existing systems. Clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern. In cases where Council has approved the installation of a system through a technical Wastewater Report or suitable justification, the system is not required to be upgraded or modified.	The adoption of the revised Policy does not require automatic upgrades to existing approved systems and clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern.	Yes
23 (Enquiry)	Respondent wanted to confirm that they did not have to automatically upgrade their system.	Respondent was advised that the adoption of the revised Policy does not require automatic upgrades to existing systems. Clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern. In cases where Council has approved the installation of a system through a technical Wastewater Report or suitable justification, the system is not required to be upgraded or modified.	The adoption of the revised Policy does not require automatic upgrades to existing approved systems and clarification has been added to Section 1.2 'Scope' of the Revised Policy to further address this concern.	Yes
24 (Response from Service Provider)	Service provider queried whether they could continue emailing PDF copies to Council and comply with the revised Policy requirements for service sheets.	Service provider was advised that yes they could continue emailing PDF copies into Council and comply with the new requirements of the revised Policy.	No action is required as service agent will comply with the requirements outlined in Appendix D of the revised Policy.	No
25 (Response from Service Provider)	Service provider advised that their program does not allow them to send through reports individually.	Service provider has been advised before that this can be alleviated by scanning in individual service reports instead of in large batches as currently completed. Service provider advised that this creates a large administrative burden for Council and this aspect will need to be amended moving forward.	No action required as service agent has been advised that this method will result in non-compliances with the revised Policy and will need to be amended when the Policy comes into effect.	No

Attachment 2: Submission/Enquiry Summary				
Respondent	Submission Summary	Council Response	Council Action	Document Change
26 (Response from Service Provider)	Service provider advised that they are apprehensive to send through service reports if their clients have not paid their invoices yet. This may affect the 14 day deadline in these instances.	Advised service provider that in these instances he can still provide the report to Council, or alternatively, advise Council that the client has not paid the invoice and Council may be able to send a letter to the owner of the property advising that their service report has not been received within the 14 day requirement. In this instance, this may encourage the client to pay their invoice so the service sheet is released to Council, which would be a positive for both the service agent and Council.	No amendment to Policy required as alternative methods can be used to ensure that property owners comply with this requirement. This is a matter that can be resolved outside of the revision of the Policy.	No
27 (Response from Service Provider)	Service provider queried if paper reports can be submitted to Council via PDF format to comply with revised requirements.	Service provider was advised that paper reports that have been scanned into PDF copies can be provided to Council and comply with the new requirements of the revised Policy.	No action is required as service agent will comply with the requirements outlined in Appendix D of the revised Policy.	No

ATTACHMENTS



Date of Meeting: Monday 15 June 2026

Report Title: Submission on Planning Reforms - Proposed Changes to Complying Development Standards, CDC Variations and Targeted Assessment for Low-Rise Housing

Attachments: Draft Council Submission - Variations and changes to Complying Development
Summary of Explanation of Intended Effect
Variations and changes to complying development
Variations and changes to complying development - Explanation of Intended Effect
Low-rise housing reforms and targeted assessment - Discussion paper



Reference: P-1164685-R4K2
Contact: Gavin Cherry
Telephone: (02) 4732 8125

3 June 2026

NSW Department of Planning, Housing and Infrastructure

Email: cdcvariations@dphi.nsw.gov.au

Dear Sir / Madam,

Submission in response to the new Complying Development Certificate (CDC) and Low-rise housing and targeted assessment, May 2026

I refer to the NSW Governments recent exhibition of the Variations and Changes to Complying Development and Low-Rise Housing Reforms and Targeted Assessments Discussion Paper dated May 2026. Thank you for providing Penrith City Council with the opportunity to comment on the above-mentioned document.

It is understood that the intention of the broader planning reforms is to allow for faster, fairer and outcomes focused processes in the assessment and determination of development growth. There is also reference in the exhibition documentation that current complying development (CDC) pathways and development application assessment processes are too rigid with inference that a development application planning pathway can be inefficient or ineffective.

While Penrith City Council is supportive of encouraging and facilitating prioritised housing and employment growth for our local community, the management and delivery of that growth must be efficient, effective and provide for positive outcomes. It is Council's position that the proposed reforms will not achieve the suggestions for improved efficiencies in the delivery of development growth. As a consequence of this view, Council objects the proposed reforms and requests reconsideration and rationalisation of the intended planning pathways to simplify, not further complicate, land use planning processes.

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With respect to the introduction of CDC variation capability, the proposed reforms will further complicate an existing convoluted planning framework by introducing a new hybrid of two existing assessment processes that are, and can remain, highly effective and efficient if sufficiently understood and





complied with. The proposed reform will also cause further confusion in our community with respect to the distinct roles and responsibilities between Council and the Certification Industry, this is because the expectations informed by the Code State Environmental Planning Policies (SEPP) provisions can effectively be varied through a variance process without any community engagement or consultation.

To achieve an effective and efficient outcome for development growth, there needs to be a simplification of the planning framework rather than further complication. This should be coupled with greater recognition and celebration of the role, function and benefit of local government development assessment officers and the DA planning pathway as a distinct approach and opportunity from complying development. The Government is requested to focus its efforts to establish much clearer distinctions between CDC and Development Application (DA) planning pathways, commencing with properly informed strategic planning practises, that inform effective and appropriate land zoning and the formulation of clear and concise development standards (EPI) and development controls (DCP). This need for refocus is at the heart of the principles that underpin the Environmental Planning and Assessment Act, 1979 and the established hierarchy of planning pathways and planning principles which suggests a simpler and clearer framework will equate to easier, quicker but still appropriate development outcomes for the community and the broader State.

a) Planning Pathways and Resourcing

The DA planning pathway exists to ensure that outcomes that deviate from prescribed expectations and development controls are suitably considered and informed via the considerations legislated within Section 4.15 of the Environmental Planning and Assessment Act, 1979, with specific regard to likely impacts and public interest.

With respect to the Code SEPP and CDC Variation exhibition material, there are conclusions made in the exhibition package that CDC provisions are too rigid. This position acknowledges that the CDC provisions warrant holistic review and amendment in the Code SEPP itself, rather than the introduction of another competing planning pathway.

Section 2.3 of the Variations and Changes to Complying Development Report also suggests that across the state, 50% of applications are approved via a development application pathway, with 5% assessed as State Significant Development and the residual 45% pursued via complying

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development. It is noted that the referenced DA statistic is explicit to reference DA approval and not DA assessment, which is an entirely different criteria of consideration or reflection of proportionate workload and productivity.

The suggested breakdown in the Discussion Paper is not an accurate representation of the ratios experienced within the Penrith Local Government Area. Penrith City Council has consistently received over 120 referrals and requests for comment on state significant development and state significant infrastructure proposals per year from the Government over the past 5 years. While the State Significant Development (SSD) or State Significant Infrastructure (SSI) application is not technically lodged with Council, there is a significant reliance on Council resources to assess the proposals to inform submissions that Government has regard to in the assessment and determination of these applications. This is in addition to Part 5 proposals pursued by Government Agencies that rely on Council resources to inform or influence their own self-assessment and determination of appropriateness.

It is this reliance on Council staff, and redirection of critical resourcing, that erodes Council's ability to efficiently and effectively prioritise the assessment of development applications. The exhibited reforms further remove opportunity for prioritisation of DAs as the prescribed expediency of CDC variation assessments (maximum 10 days) will further deprioritise Council's DA assessment functions. To infer that there is no impact, and potentially a reduction in DA numbers as a consequence pathway, does not recognise the full scope of work that Council is already managing and influencing irrespective of whether Council is the assessing or determining authority.

With respect to the introduction of CDC variation capability, there is a concern with the Governments approach to conflate two distinct planning pathways into a hybrid scenario. This proposition will require two separate consent authorities to consider and determine the appropriateness of a development proposal. This approach and dependency on Council to consider a variation implies that the Certification industry is incapable of making their own determinations of suitability whilst at the same time devaluing the role of Council's technical officers and the local community by dismissing the intention and benefit of the DA planning process.

The rationale for the introduction of complying development as a lawful planning pathway was on the basis of clear and prescribed expectations for the community through the drafting of explicit controls and objectives. There is no requirement for merit considerations or community input as part of the

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current CDC process as the expectations and allowances for development outcomes are clear and publicly accessible to all.

The consequence of introducing the CDC variation pathway rather than amending the Code SEPP provisions at the source, means the public can no longer have comfort or certainty that the expectations reflected within legalisation and planning policy will be adhered to. This is coupled with no opportunity for the local community to be considered or influence the resulting outcome that deviates from those exhibited and adopted expectations.

This is not appropriate and warrants reconsideration of the approach and the value placed on Council's development assessment officers and the development application assessment process in the delivery of quality and appropriate outcomes for our local communities.

b) Review of Proposed CDC Variation Allowances

The suggested approach for CDC variations requires considerable investment by an applicant into a planning pathway which provides no certainty and has the likelihood of wasting both the Applicant and Certifiers time at considerable cost. The proposal as exhibited, is to require the Certifier to refer a variation request to Council in a live CDC planning process and after a detailed CDC application has been prepared and lodged. This is the adopted approach rather than seeking verification at the outset from Council on whether such a variation is likely to be supported, noting that if it is not supported, the only opportunity for consideration or reconsideration is via the existing (and far more appropriate) development application planning pathway. The Government is requested to have specific regard to Clause 128(2) of the Environmental Planning and Assessment Regulations, which already has entrenched requirements placed on Council (as local road authority) to provide "certification" to a separate and distinct certifying authority that local road and transport infrastructure is appropriate and acceptable for a proposed complying development scheme. While this effectively requires the Council to provide a determinative role outside of a suitable planning pathway, this requirement does provide a clear and distinct outcome that informs the appropriate planning pathway that must be pursued without unnecessary investment, time loss and cost by an applicant or a Certifier.

When reviewing the development controls proposed to be capable of variation requests, the following additional comments or concerns are raised for reconsideration and resolution:

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- The amendments proposed to height of buildings via the CDC variation pathway are still dependant on consistency with the Local Environmental Plan height of building development standards. It is therefore unclear why this allowance is not reflected within the exhibited Code SEPP amendments to negate any variation request. In circumstances where there is no LEP height of building development standard, a DA pathway should be required. The suggested necessity for a DA is on the basis that the strategic direction on appropriateness of height is not clear and warrants Council consideration and determination. This would also empower or encourage Council's to invest in setting the strategic expectations for height of building development standards across their respective LGA.
- While this submission challenges the likely benefit of the targeted assessment pathway as a separate and distinct process from the current DA pathway, it is appreciated that the targeted assessment pathway is aimed at expediting assessment and decision making based on refined and reduced statutory considerations. In recognition of the proposed targeted assessment planning pathway objectives, opportunity exists for development that complies with the Code SEPP (with the exception of building height) to be included in an existing DA or targeted assessment pathway (and not via a CDC variation process). This would allow for suitable public engagement, site inspection, view line analysis and a measured and informed determination of appropriateness within a modest maximum 50-day assessment timeframe. Figure 5 - Low Rise housing pathways of the Targeted Assessment exhibition material already sets up this process where the proposal is not eligible for a variation request. This is a far more appropriate option and should be reflected within the finalised provisions.
- The amendments proposed to floor space ratio via a CDC variation should also be reflected within a Code SEPP amendment and equally be dependent on consistency with the floor space ratio provisions prescribed within the Local Environmental Plan or SEPP. Where there is no prescribed floor space ratio under an EPI, such a proposal should be pursued / allowed under the targeted assessment planning pathway for the same reasons as detailed above.
- The amendments proposed to primary road setbacks are insufficient in specificity. The exhibited explanation refers to consistency with an established street setback or a DCP control. There must be further detail

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provided as to what can be taken as informing the established street setback including whether an established setback is informed by an average of all setbacks in a street, or by consideration of a certain distance each side of an allotment. It must also be clear what constitutes the building line for the purpose of calculating the setback (i.e. taken from a projecting open style porch or from the external wall of the dwelling). An assessment against a DCP is also the consequence of a DA planning pathway and it is unclear how any reliance on DCP considerations is appropriate in the assessment of a CDC that is not bound to the same considerations of a DA under Clause 4.15 of the EP&A Act, 1979.

- The proposed primary and secondary articulation zones seek to provide opportunities for articulation and design features which increase from 25% of the lot width to 50% of the building width. If the Government is of the view that is an appropriate allowance, there is no basis to direct such a proposal down a variation pathway, and the changes should be reflected within up front amendments to the Code SEPP. The consideration of an articulation zone also warrants an assessment of the architectural form, design treatments of the facade and public domain presentation which far exceeds what is appropriate and reasonable outside of a DA process.
- The proposed setback variation allowances seek to provide opportunities for relaxation of current CDC standards for dwellings, dual occupancies manor homes and attached development (which is assumed to include Multi Dwelling Housing). If the Government is of the view that this is an appropriate allowance, there is no basis to direct such a proposal down a variation pathway, and the changes should be reflected within up front amendments to the Code SEPP without impost or dependency on Council outside of a DA planning pathway.
- There are also numerous references to variations being allowable subject to DCP compliance which is inappropriate in a prevailing EPI framework. Notwithstanding this, if proceeding as intended, it is considered that the Appointed Certifier should be capable of determining this themselves without the involvement of Council. Where that determination cannot be made, or the Certifier is not comfortable to make such a determination, the proposal warrants pursuit as a development application. Such references relate to indication of side setback variations in rural zones and rear setback variations.

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- The proposed changes to privacy screens do not warrant Council's interrogation or determination. The suggested allowances are merit based, relying on privacy considerations and lines of sight. If the Government is of the view that such allowances are suitable to remain in a complying development framework then a determination of suitability must remain with the Certifier without direction or determination by Council outside of a DA planning pathway. The changes proposed to the Code SEPP should be expanded to include the proposed variation allowances and be subject to the decision making of the Certifier. Alternatively, the proposal warrants pursuit via a Development Application with opportunity for site inspections, detailed assessment and public engagement.
- The proposal to allow garage doors to be flush with the building line is not a supportable outcome and is contrary to Council's DCP provisions and general urban design principles that require such facilities to be recessive in nature. However, the Code SEPP provisions could instead consider relaxation of the 1.0m setback control where sufficient articulation zones are proposed that render the garage presentation recessive and meet the same objectives. Either way, the changes should be reflected within the Code SEPP provisions without dependency on CDC variation pathways with dependency on Council involvement.
- The proposal to allow variations to dual occupancy lot width and access with capability for 5m building widths and single width garages is not appropriate unless suitable mitigation measures are included to ameliorate the visual dominance of garages to the front facade. If a dual occupancy can proceed on lot widths of <15m and down to 12m, the garage will dominate being >70% of the facade presentation which is an inappropriate streetscape presentation. This outcome also prevents the planting of sufficiently spaced street trees between driveways that could grow to maturity and achieve height and canopy spread to address urban heat considerations. These allowances warrant reconsideration and if deemed reasonable should not be dependent on Council's involvement outside of a DA planning pathway.
- The proposed changes to remove requirements for windows of single dwellings to habitable rooms on the ground floor fronting the public domain, where first floor windows are provided, will not achieve the same streetscape activation or presentation. This suggestion also doesn't include considerations relating to natural light and ventilation requirements under the National Construction Code (NCC). This proposed concession warrants reconsideration and if pursued, reflected

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within amendments to the Code SEPP itself to negate any reliance on Council via an unnecessary variation pathway.

- The proposed changes to detached development (such as decks, patios, cabanas, sheds etc) are a matter for the Government to resolve in the finalisation of the amended Code SEPP provisions. If the Government is of the view that the suggested allowances are appropriate, there is no basis to direct such a proposal down a variation pathway, and the changes should be reflected within up front amendments to the Code SEPP without impost or dependency on Council outside of a DA planning pathway.
- The proposed changes to allow detached studios to increase size by up to 10% of the maximum Gross Floor Area (GFA) is a matter for the Government to resolve in the finalisation of the amended Code SEPP provisions. If the Government is of the view that the suggested allowance is appropriate, there is no basis to direct such a proposal down a variation pathway, and the changes should be reflected within up front amendments to the Code SEPP without impost or dependency on Council outside of a da planning pathway.
- The proposed changes to allow swimming pools in secondary road setbacks or forward of building lines in rural zones relies on references to and compliance with Council's DCP. An assessment of suitability is a consideration that the Certifier should be capable of determining themselves without the involvement of Council if the allowances are suitably prescribed and made clear in amended SEPP provisions. Where that determination cannot be made without consideration of DCP provisions, or the Certifier is not comfortable to make such a determination, the proposal warrants pursuit as a Development Application.
- The proposed inclusion of setback concessions for tree protection under the complying development variation pathway is unreasonable and inappropriate. The nomination of 3m as a starting point is an arbitrary number that does not have any relevance to an aboricultural assessment when determining impacts to trees. As a general example, if a tree has a trunk diameter measurement of greater than 800mm (measured immediately above the root buttress) then works within 3m will be within the Structural Root Zone of the tree, indicating a major incursion into the Notional Root Zone (NRZ) which is inappropriate and warrants detailed assessment through a development application.

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- It is also inappropriate to rely on Council officers to peer review Arborist Reports as a mechanism for determining acceptable encroachment into the NRZ and Structural Root Zone (SRZ) outside of a Development Application planning pathway. Proposed impacts of development within 3m of trees requires detailed site inspection, independent verification of NRZ and SRZ calculations, and critical evaluation of the methodology used to determine species tolerance to proposed impacts. This level of assessment is inherently complex and cannot reasonably be undertaken within the proposed 10-day assessment timeframe, especially when considered in combination with existing Development Application and Tree Permit assessment obligations. Requiring councils to undertake such detailed technical assessments within this timeframe would place an unreasonable and intensive resourcing burden on Council, at the expense of existing development application and tree management functions.
- With respect to tree protection, Council also has numerous experiences where consultant Arborist reports are often inconsistent, contain methodological weaknesses, and can misrepresent the extent encroachment and the degree of impact that can be sustained by a tree. This evident in the majority of appeals defended by Council in the NSW Land and Environment Court with Council's aboriginal evidence being supported by the Court in its determinations. As such, an assessment of suitability cannot and should not be based solely on a consultant Arborist Report. Tree impacts of this nature are inherently site-specific, complex, and potentially high-risk. They require a merit-based assessment that considers cumulative impacts, site constraints, species characteristics, and risk to public safety. These matters are more appropriately assessed through the development application pathway, where sufficient time, scrutiny, and conditions can be applied.
- In addition to the above concerns, allowing a building to be located within or at 3 metre setbacks to a tree is inconsistent with applicable codes and regulations, which require standard conditions of consent mandating the application of a full Tree Protection Zone (TPZ) under AS 4970–2009 and/or a NRZ under the updated AS 4970–2025 for trees to be retained. These standards are intended to ensure adequate protection of both the above-ground and below-ground components of trees during construction. For example, a tree with a trunk diameter at standard height (DSH) of 400 mm would require an NRZ of approximately 4.8 metres. If construction is permitted at a distance of only 3.2 metres, this encroaches significantly into the required protection zone. As a

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result, tree protection fencing cannot be installed in accordance with the standards, as the proposed building footprint occupies part of the full NRZ. This creates a fundamental conflict between the approved construction footprint and the requirement to implement compliant tree protection measures, undermining the intent of the standards and increasing the likelihood of tree decline or failure.

c) Review of Proposed Code SEPP Amendments

Council staff have reviewed the proposed amendments to the Code SEPP development controls. While no concerns are raised with the proposed development control changes, the above comments emphasise the need to make further changes to the Code SEPP provisions, to negate any suggestion or dependency on a CDC variation process which is unnecessary in combination with the suggested targeted assessment reforms.

d) Targeted Assessment Planning Pathway Considerations

The proposed reforms are understood to seek standardisation of definitional terms to clarify what constitutes low rise housing. It is understood that the intention is to limit stage 1 reforms to single dwellings, secondary dwellings, manor homes, attached dual occupancies, multi dwelling housing (but where all dwellings are attached as terraces). However, there is inference that additional typologies such as group homes, boarding houses and rural workers dwellings may be subject to inclusion at a later date. It is therefore unclear what is specifically proposed as part of the current exhibition package (noting the exhibition is a discussion paper only). While it is appreciated that the discussion paper seeks feedback to inform the preparation of an explanation of intended effect, there is insufficient information in the discussion paper to explain what is being proposed and why, which is critical to any determination of the specific typologies for inclusion.

e) Statistical Comparisons and Assessment / Determination Implications

The Discussion Paper suggests that a Complying Development Certificate for low rise housing only takes 29 days (on average) whereas a Development Application for low rise housing takes 103 days on average. This comparison fails to recognise that CDCs are mandated by law to be compliant with the Code SEPP provisions, hence a significantly lesser timeframe than a DA is to be expected. The suggested statistics also fail to recognise the reduced average timeframe taken by Council's in the

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assessment of low-rise housing when multi-unit housing typologies are excluded from the calculation. As evidenced in available records from the NSW Land and Environment Court, a significant proportion of matters pursued through the Court against Penrith City Council relate to multi-unit housing proposals and in almost all cases, the Court has upheld Council's expert opinion and dismissed the appeals or upheld appeals only where amendments have been made to secure agreements between parties. This critical distinction needs to be recognised as it further supports the argument that the targeted assessment pathway for certain development typologies, is not necessarily going to achieve results beyond what is already largely being achieved through the existing DA process for compliant dwelling houses, secondary dwellings and dual occupancy developments.

It must also be noted that a Development Application does not need to comply with the Code SEPP provisions, and more often than not does not comply with the Council's own local LEP and/or DCP controls and warrants negotiated outcomes to inform a supportable proposal. The timeframe invested in the assessment of a DA is often to achieve suitable development outcomes, avoid a refusal determination and a protracted and costly process through the NSW Land Environment Court. This is a key aspect that is not sufficiently recognised in the statistical review reflected within the Discussion Paper and misrepresents the role, function and benefit of Council's assessment staff in the DA planning pathway.

f) Typology of Targeted Allowances and Implications

It is understood from Page 16 of the Discussion Paper, that the Government's intention is to repeal or replace the local planning framework (LEP and DCP provisions) that would apply to the targeted assessment typologies. The intention is to instead rely on new development controls and objectives, without broader considerations relating to likely impacts, public interest and site suitability.

It is suggested in the discussion paper that merit assessment capability would remain, however for a significantly reduced number of considerations. It is also suggested that this would simplify the planning layers in NSW for low rise housing projects. This notion is disputed as the proposed reforms introduce yet another planning pathway which cannot be taken to be a simplification of planning layers but instead is another example of further compounding layers and complexities in an existing convoluted pathway framework.

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The current DA pathway already exists for the assessment and determination of the targeted assessment typologies. If there is a suggestion that the heads of consideration under Section 4.15 of the EP&A Act, 1979 need not apply in the assessment process and can be simplified, then these provisions warrant repeal in the Act, with specific focus and a determination on what the new tests of appropriateness should entail to inform a new Part 4 DA process.

If there is a suggestion that an assessment process for low rise housing should not take more than 50 days, then it must also be recognised and accepted, that negotiated outcomes may no longer be possible and proposals will be largely assessed and determined in the form as lodged through the NSW Planning Portal, without opportunity for refinement or improvement. This has the real potential to dramatically increase the quantum of refusals and appeals in the NSW Land Environment Court and incur considerable expense for all involved.

Until such time as the suggested new controls and objectives for target assessments are published for detailed consideration, it cannot be suggested that the proposed reforms will improve and expedite assessment and determination processes. Instead, it is a real possibility that the changes will further complicate navigating the current complex framework and will have the unintended effect of deprioritising Council's current DA assessment functions (non-targeted typologies but equally important), resulting in a proliferation of poor planning and development outcomes across the state.

g) Multi Dwelling Housing Provisions and Current CDC Issues

It is understood that the proposed reforms seek to differentiate development typologies and definitions between Multi Dwelling Housing and Multi Dwelling Housing (Terraces). It is understood this is to ensure consistency across planning instruments. The exhibition material does not provide detail on what controls may be proposed as part of the targeted assessment pathway, and current complying development allowances are already culminating in poor development outcomes that insufficiently consider streetscape presentation and waste management.

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Council has recently been involved in numerous strata subdivision development applications of approved Multi Dwelling Housing complying development which was poorly configured, unsympathetic within the streetscape and incapable of meeting Council's waste storage and servicing requirements for residential development under Council's service contracts.





Part 3B – Low Rise Housing Diversity Code of SEPP Exempt and Complying 2008 (Division 4) does not include any provisions to manage the streetscape presentation of development and the percentage of garage presentation as a portion to facade width. While figures within the SEPP imply <50% of the facade width is expected for the garage, this is not stipulated as a numerical control and CDC's have been approved and issued under private certification in the Penrith LGA contrary to this suggestion. The approved CDC developments have a ground floor facade of each attached dwelling compromising a garage and a front door only. This is a poor planning outcome that cannot be challenged. This poor planning and design outcome warrants inclusion of a specific numerical control that requires an arrangement like the proportions and floor arrangement reflected within the minimum GFA diagrams within Section 3B.35 of the SEPP. The Government is therefore requested to amend the Code SEPP to ensure suitable provisions are included to prevent this outcome reoccurring. The Government is also requested to ensure that any new Targeted Assessment controls equally ensure that the controls prevent this outcome from reoccurring.

It is also noted that the outcomes to be pursued under this amended framework have little regard to the statewide Food Organics and Garden Organics (FOGO0 mandate which will not be achievable and deliverable unless the provisions enshrined within the planning controls and development standards are explicit to achieve waste management and resource recovery outcomes in combination with positive planning and design outcomes. This is not reflected within the current CDC development outcomes being pursued, and the proliferation of those same CDC outcomes by the current proposed reforms.

h) Strategic Planning and Other Policy Considerations

With respect to Section 4.2.1.4 – Natural Hazards and Environmental Constraints, clarification is sought as to how the reforms are intended to interact with the draft Climate Change and Natural Hazards SEPP (exhibited in February-March 2026) and Flood Risk Management Manual. The Explanation of Intended Effects (EIE) does not define flood-no/low hazard and flood high-hazard risk categories and clear definitions of these categories are needed to be able to consider application of the reforms.

While the discussion paper touches on tree retention, removal and landscaping as a potential consideration to be addressed in the Code (Section 4.2.2.1), it is not clear if this is intended to capture urban heat

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mitigation and tree canopy cover. Penrith City is particularly susceptible to urban heat impacts and has established city-wide LEP and DCP urban heat controls provision which have been in place since 2022. The targeted assessment pathway risks undermining Council's ability to effectively achieve improved urban heat and tree canopy cover outcomes via by-passing established urban heat provisions. The code should address urban heat and tree canopy coverage and undertake detailed testing to ensure built form standards are compatible.

It is also critically necessary that future EIE include the full set of draft standards, objectives and controls for targeted assessment development to enable detailed consideration and comment. To date the exhibited EIE's related to planning reforms are typically deficient in specificity eroding the ability for Council to ascertain the full scope of intended changes, the implication of those changes and then comment on the reasonableness of those changes to give to effect to the rationale for the planning reforms proposed.

i) Response to General Discussion Questions

The discussion paper includes numerous questions seeking feedback which suggest that the targeted assessment pathway proposition is still in its infancy and not developed to the extent of affording explanation or clarity on the ultimate intended reforms. Notwithstanding this concern, the following comments are provided in response to the questions raised within the discussion paper:

Discussion Paper Clause Reference	Discussion Paper Question	Council's Response
Section 2.3 - Guiding Principles	Are the guiding principles appropriate? What changes would you suggest?	The guiding principles outline certain scenarios in which targeted assessment development is not appropriate at a strategic planning level, including rezoning of sites or precincts where important assessment issues have been deferred to DA stage, complex development types where the range of design responses vary significantly, and

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Discussion Paper Clause Reference	Discussion Paper Question	Council's Response
		development on certain hazardous or highly constrained sites. These exclusions are supported in principle and should be expanded to include rezoning proposals that apply a lot or dwelling cap to ensure greater certainty in establishing yield potential. This is particularly important where lot/dwelling cap restrictions are based on infrastructure and availability of services and so establishing accurate yield potential is critical.
Clause 3.2.3.1 - Inconsistent and onerous local controls and assessment	Does the proposed summary of the current planning pathway framework accurately reflect the limitations of the current framework and opportunities for reform?	No – the suggested limitations inaccurately imply that the Development Application pathway is inefficient and ineffective. This is not the case. The DA pathway exists to ensure that non-conforming proposals are suitably considered to secure the delivery of positive outcomes for the community. Rather than devaluing the role of the DA pathway and further complicating the planning framework, the Government should focus on standardising DCP provisions, legislating requirements for pre-lodgement engagement

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Discussion Paper Clause Reference	Discussion Paper Question	Council's Response
		with Council and legislate requirements for development applications to be of a suitable quality, accuracy and consistency prior to acceptance, to then allow for expedited assessments.
Clause 5.14 - Exempt Development	Should exempt development provisions relevant to low rise housing be included in a consolidated code or continue to be dealt with separately?	<p>The Code SEPP is already overly convoluted and complicated. Council experiences a substantial volume of calls from the public and technical experts struggling to navigate and understand the various allowances or exclusions within the SEPP.</p> <p>To consolidate the exempt development category with the complying development allowances has the likelihood of further compounding this confusion. If this was to be pursued and review of the entire SEPP structure is warranted to improve its legibility.</p> <p>Clear delineation of the planning pathways is also considered critical to accurately understanding what can or can't be done and in what form. It is for this reason that the suggested introduction of CDC variations as an additional and hybrid</p>

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Discussion Paper Clause Reference	Discussion Paper Question	Council's Response
		process is not appropriate or efficient.
Section 5.2.1 – Natural Hazards	<p>Should hazard affected land be eligible for targeted assessment?</p> <p>Do you agree with the principle of avoiding residential land use intensification?</p> <p>Do you have any other comments or concerns related to natural hazards?</p>	<p>The suitability of targeted assessment inclusion depends on the severity of the natural hazard that applies to the land. The severity of the hazard also informs if the suggested 50-day determination timeframe as targeted development is feasible or reasonable.</p> <p>For the Penrith LGA, flood planning and evacuation management is a critical issue. This hazard is not a matter that can be quickly assessed given the precinct / locality wide hydraulic and evacuation analysis that may be warranted.</p> <p>It is also noted that numerous intensified residential developments have already been approved as privately issued CDCs in the Penrith LGA, based on incorrect flooding information and contrary to flood planning allowances. Council has been unable to resolve them as the developments have been constructed or substantially commenced through private certification which further demonstrates that expediency of</p>

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Discussion Paper Clause Reference	Discussion Paper Question	Council's Response
		assessment and determination is not appropriate when hazard considerations are key to the assessment process.
Section 5.2.2 - Heritage	Should HCAs be included in the reform? Should heritage items be excluded?	<p>Development proposals for heritage listed items and within heritage conservation areas warrant assessment via the DA pathway.</p> <p>Clause 5.10(3) of the PLEP 2010 already allows for exemption allowances to DA requirements for heritage items. This should also be expanded to apply to heritage conservation areas as well as listed specific heritage items.</p> <p>The Code SEPP or Targeted Assessment Pathways should not encompass heritage items as this would reflect further unnecessary complication</p>
Section 5.3.1 - Conservation Zones	Should conservation zones be included in the reforms? Are there any specific concerns with applying targeted assessment in these zones?	No – for the same reasons as above. If land is zoned as having conservation value, then a measured and informed assessment of impact is warranted which cannot be reasonably undertaken in the timeframes suggested. It is inappropriate to encourage expediency without reviewing the

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Discussion Paper Clause Reference	Discussion Paper Question	Council's Response
		<p>appropriateness of the zoning of the land in the first place.</p> <p>If land has a predominant residential character to the extent that low rise housing would be appropriate, then the land likely warrants rezoning to a residential zone, without unnecessary overcomplication of the statutory assessment pathways.</p>
Section 5.4 - Non-standard residential typologies	<p>Should the code include standards for a broader range of low-rise housing typologies?</p> <p>Should it provide both a CDC and targeted assessment pathway?</p>	<p>No – developments such as group homes and boarding houses have considerations and potential social impact that are vastly different to the low-rise housing typologies. Considerations relating to likely impacts, the public interest and site suitability are key considerations for these developments, and their inclusion would not be appropriate for targeted assessment allowance, given the reforms expressly seek to remove these heads of consideration from applying to this planning pathway.</p>
Clause 6.1 Staged Implementation Approach	What do you think should be the first stage of the code?	It is recommended that the target assessment reforms must be informed by an ultimate position on the Code SEPP reforms separately exhibited and

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Discussion Paper Clause Reference	Discussion Paper Question	Council's Response
		<p>referenced within this submission.</p> <p>There is a critical need to reconsider the further over complication of planning pathways in an existing overly convoluted framework. Council's submission seeks the abolishment of the CDC variation option, instead seeking up front reforms in the Code SEPP itself, or inclusion of variation scope into the targeted assessment pathway with acceptance that the resulting implication will likely result in less resolved development outcomes and / or increased appeals in the NSW Land and Environment Court.</p>

Should you wish to discuss this matter further, please do not hesitate to contact me on 4732 8125.

Yours sincerely,

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Department of Planning, Housing and Infrastructure



Variations and changes to complying development

Summary of the Explanation of Intended Effect (EIE)

May 2026

Variations to complying development

The complying development pathway is intended to provide a fast and efficient approval process for low-risk, low-impact development. Under the current framework, however, all complying development standards must be met. Even minor departures from these standards mean a proposal must instead be assessed through the development application (DA) process, which involves longer timeframes and greater complexity.

To address this, we are proposing a new complying development certificate (CDC) variation pathway. The new pathway will streamline approvals for low-risk, low-impact development by introducing greater flexibility within the existing complying development framework.

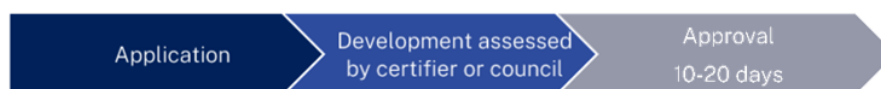
Under the proposed changes, councils will be able to approve minor variations to complying development standards, such as setbacks and amenity standards. Councils will have:

- 10 calendar days to assess the variation where the CDC is referred from a private certifier, or
- 20 calendar days where the council is assessing both the variation and the CDC.

Council will provide a determination on the variations, or it will be deemed approved.

Where variations are supported, the council will issue a variation certificate. Where variations are deemed approved, the certifier or council may continue assessing the proposed development against the remaining complying development standards.

Development that fully complies with development standards



Development that mostly meets development standards and requires a variation certificate



Figure 1: Existing complying development process and CDC with variations

We are proposing to amend the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* to specify:

- which complying development standards may be varied, and
- how those standards may be varied.

Councils will be able to approve variations where they are consistent with the Codes SEPP and do not result in any significant adverse impacts on neighbouring properties.

A summary of the proposed variations to the Codes SEPP is outlined in Table 1 below.

Table 1: Proposed variations to complying development standards	
Development standard	Summary of proposed variations
Maximum height of building	<p>Allow variations of height up to:</p> <ul style="list-style-type: none"> 8.5 m to 9 m for dwellings, dual occupancies, manor homes, and 9 m to 9.5 m for terraces <p>Where consistent with LEP height limits.</p>
Maximum Gross Floor Area (GFA)	<ul style="list-style-type: none"> Allow an increase of up to 10% of the maximum GFA for dwellings, dual occupancies, manor homes and multi dwelling housing (terraces) and detached studios. Allow an extra 15-20 m² of GFA for detached development, such as decks and sheds.
Primary road setbacks	<p>Allow variations where consistent with the established street setback or council DCP controls.</p>
Side setbacks	<p>Allow variations for:</p> <ul style="list-style-type: none"> Alteration or additions to an existing dwelling or detached development may align with the existing dwellings side-boundary setback, or 0.9 m (whichever is greater). Reduced setbacks to 0.9 m for lower-level where consistent with DCP controls. Reduced side setbacks for parts of the upper-level of dual occupancies and manor homes (the part of building located 10 m behind the building line) and certain narrower lots in the Inland Code.
Rear setbacks	<ul style="list-style-type: none"> Allow variations for upper-level rear setbacks where consistent with council DCP or the average rear setbacks of the 2 adjoining dwellings within 40 m. Allow reduced upper-storey setbacks for dual occupancies where consistent with adjoining dwelling setbacks or allow reduced setbacks by 2 m where there are minimal adverse impacts to the neighbours.
Primary road articulation zone	<p>Balconies, decks, pergolas, terraces or verandahs and façade features can be located in the front setback articulation zone up to 50% of the building width, as opposed to the current limit of 25% of lot width.</p>
Privacy screens	<p>Allow variations where privacy screens are not required if a habitable room window or raised open space does not have a direct line of sight into a habitable room window of an adjoining dwelling or into the principal private open space of an adjoining property.</p>

Garage door widths	<ul style="list-style-type: none"> • Allow car parking setbacks to be varied to align parking with the building line. • Allow the maximum attached garage door width to be varied up to 5 m for two-storey dwellings on lots between 10 m and 12 m wide where parking is integrated into the dwelling design and are not visually dominant, and a single driveway presents at the property boundary and tapers to the dwelling.
Building design	<ul style="list-style-type: none"> • Allow variations so two-storey dwellings do not require a window to a habitable room on the ground floor facing the street for lots less than 11 m wide, where the dwelling includes windows to habitable rooms or balconies facing the street on the upper level which provide passive surveillance of the street.
Dual occupancies - lot width, requirements and access	<ul style="list-style-type: none"> • Allow variation attached two storey dual occupancies on lot widths of 12-15 m to gain access from a primary road, with each dwelling to have a garage door width of no more than 3 m. • The Codes SEPP already allows this type of development, but only where access can be provided from the rear or a side street or lane.
Swimming pools	<ul style="list-style-type: none"> • Allow swimming pools in the secondary road setback for dwellings and dual occupancies on corner lots. • Allow swimming pools forward of the building line for rural zones, but behind the front setback requirements of a DCP or Rural Housing Code setbacks.
Tree protection	<ul style="list-style-type: none"> • Allow complying development to occur on land within 3 m of a protected tree located on the site or on adjoining land, where an Arborist report has determined an appropriate setback from the tree trunk and the proposed setback is consistent with the Arborist report.

Summary of other proposed changes to the Codes SEPP

In addition to variations, we are also proposing to make changes to the Codes SEPP.

These proposed amendments respond to suggestions from industry, councils and the community and are intended to:

- expand opportunities for complying development, and
- make existing standards easier to apply.

A summary of the proposed amendments to the Codes SEPP is outlined in Table 2 below, with further information included in Chapter 5 of the EIE.

Development standard	Proposed changes to the Codes SEPP
Expanding low-impact remedial works as complying development	<ul style="list-style-type: none"> • Enable remedial works as permitted additional works under the Housing Alterations Code to allow genuine, like-for-like remediation of apartments and multi-dwelling housing. • Allowances for compliant building remediation works: <ul style="list-style-type: none"> - Up to a 100 mm tolerance for cladding or waterproofing systems to achieve compliance with the National Construction Code (NCC). - Works within 3 m of any side or rear boundary. - Works at the primary or secondary road frontage. - Full building remediation, including roof remediation.
Complying development on bushfire-prone land and flood control lots	<ul style="list-style-type: none"> • Enable demolition on land classified as BAL-40 and BAL-FZ, provided demolition does not occur on days when a Total Fire Ban is declared. • Allow minor internal alterations on flood control lots and introduce relevant development standards.
Appropriate setbacks for complying development	<ul style="list-style-type: none"> • Amend primary road setback requirements for the Housing Code and the Low Rise Housing Diversity Code for dwellings, dual occupancies and manor homes to align with the setback of one of the two nearest existing dwellings within 40 m on the same side of the road. Retain the default primary road setback where there are no existing dwellings within 40 m on the same side of the road, or for lots such as battle-axe lots and secondary dwellings. • Reduce the minimum separation between dwellings in detached dual occupancies from 3 m to 1.8 m and introduce relevant development standards.
Expanding complying development for sloping sites, modern designs and garages	<ul style="list-style-type: none"> • Allow front parapet walls up to 1 m above the gutter line, returning no more than 500 mm along the side wall, under the Greenfield Housing Code and introduce relevant development standards. • Allow garage wall height to be measured from the finished floor level, rather than the existing ground level, where built over a drop edge beam, under the Housing Code and introduce relevant development standards. • Allow attached garages larger than 18 sqm under the Greenfield Housing Code, where the garage is accessed exclusively from a rear lane or parallel road, and introduce relevant development standards. • Introduce a new provision under the Greenfield Housing Code to allow a maximum garage door opening of 6 m where garages are accessed exclusively from a rear lane or parallel rear road, and introduce relevant development standards.

<p>Simplifying balcony and privacy screen requirements</p>	<ul style="list-style-type: none"> • Exclude privacy screen requirements on balcony edges that face a public road or a public open space under the Housing Code, Rural Housing Code, Greenfield Housing Code and the Inland Code, consistent with the Low Rise Housing Diversity Code. • Remove the requirement for external and internal floor levels of a balcony, deck, patio, terrace or verandah to be at the same level, as floor level requirements are addressed through the National Construction Code (NCC).
<p>Above-ground rainwater tanks</p>	<ul style="list-style-type: none"> • Allow above-ground rainwater tanks up to 1.8 m in height to be located closer than 450 mm to the side boundary under the complying development pathway and introduce relevant development standards.

Department of Planning, Housing and Infrastructure

Variations and changes to complying development

Explanation of Intended Effect (EIE)

May 2026



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Explanation of Intended Effect: Variations and changes to complying development

First published: May 2026

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Abbreviations/Glossary

Term	Explanation
BAL	Bushfire Attack Level.
Codes SEPP	<u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</u>
CDC	Complying development certificate. A CDC is an approval for development that meets specified development standards included within an environmental planning instrument, such as the Codes SEPP.
Complying development standard and development standard	<p>Development standard means provisions of an environmental planning instrument, or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development.</p> <p>A reference to a complying development standard in this EIE relates to a relevant development standard of the Codes SEPP.</p> <p>Note, the Planning Systems Reforms Act will insert a new definition of <i>complying development standard</i> within the EP&A Act. This will be defined as a development standard, as varied by a variation certificate, or a provision of a DCP identified as a standard or requirement of a DCP.</p>
DA	Development application. An application for development, lodged by an applicant and typically assessed by a council under Part 4 of the EP&A Act.
DCP	Development Control Plan.
EP&A Act	<u>Environmental Planning and Assessment Act 1979.</u>
EP&A Regulation	<u>Environmental Planning and Assessment Regulation 2021.</u>
EIE	Explanation of Intended Effect (this document).
GFA	Gross floor area.
LEP	Local Environmental Plan.
NCC	National Construction Code.
Planning Systems Reforms Act	<u>Environmental Planning and Assessment Amendment (Planning Systems Reforms) Act 2025.</u>

Term	Explanation
Privacy screen	<p>A structure that blocks views between the window of a habitable room or an outdoor area on a lot and an adjoining lot, where:</p> <ul style="list-style-type: none"> (i) no individual opening is wider than 30 millimetres (ii) the total area of all openings is no more than 30% of the screen or barrier's surface area <p>Or a fixed window made entirely of translucent glass.</p>
Protected tree	<p>A tree that requires a separate permit, approval or development consent for pruning or removal. This does not include a tree that may be removed without development consent under the Codes SEPP.</p>
Residential zone	<p>Land Use Zones R1 – General Residential, R2 – Low Density Residential, R3 – Medium Density Residential, R4 – High Density Residential or R5 – Large Lot Residential</p>
Rural zone	<p>Land Use Zones RU1 – Primary Production, RU2 – Rural Landscape, RU3 – Forestry, RU4 – Primary Production Small Lots, RU5 – Village or RU6 – Large Lot Residential</p>
SEPP	<p>State Environmental Planning Policy.</p>
Setback	<p>The horizontal distance between the relevant boundary of a lot and the building line.</p>

1 Introduction

1.1 Overview

The *Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025* (Planning System Reforms Act) introduced a number of reforms to modernise the planning system and make it faster, fairer, more proportionate and outcomes focused. One of the changes introduced by the Planning System Reforms Act is a new complying development certificate (CDC) variation pathway, designed to streamline approvals for low-risk, low-impact development by introducing greater flexibility within the existing complying development framework.

Currently the complying development pathway is too rigid, and all development standards must be met, otherwise the development must go through a full development application (DA) process. This pushes proposals that may only vary slightly from development standards into the much lengthier DA process adding an average of more than 60 days to the assessment process.

The NSW Government is aiming to make it easier for more development to use the complying development pathway. We're working to make assessment of such proposals more proportionate and speed up the planning process, allowing people to get building sooner. The changes we're making will:

- create greater flexibility within the complying development framework without compromising on good planning outcomes,
- speed up the assessment of low-risk, low-impact development,
- give applicants' greater certainty of assessment timelines,
- retain council oversight in assessing variations from existing development standards,
- allow councils to re-focus their resources on more complex matters with bigger impacts.

To facilitate this, changes to the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) are proposed to:

- allow variations to certain complying development standards, and
- to amend existing development standards in the Codes SEPP.

This document explains:

- the planning system changes necessary to facilitate variations of complying development standards,
- the complying development standards that are proposed to be the subject of variation applications, and
- the other changes proposed to the Codes SEPP.

Tell us what you think

We welcome your feedback on the changes. To have your say, please complete the online survey feedback form or upload a submission by 24 June 2026.

We have included some questions in this EIE to help guide feedback on the matters that we are considering. You do not need to respond to all of the questions in your submission, and we also welcome any additional suggestions or ideas.

If you have questions about the EIE please email cdcvariations@dphi.nsw.gov.au.

1.2 Relevant legislation

This EIE has been prepared for the purposes of section 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2 Role of complying development

2.1 Current complying development process

Complying development offers a fast-track approval process, generally taking 10 to 20 days for straightforward residential, commercial and industrial development.

Complying development applies to homes, businesses and industry, and allows for a range of development types, including the construction of a new house, alterations and additions to a house, low and mid-rise housing, new industrial buildings, demolition of a building, and changes to a business use, as well as agritourism uses.

Complying development is permitted through State Environmental Planning Policies (SEPPs) that apply across NSW. The Codes SEPP is the main SEPP that enables complying development. However, a number of other SEPPs also allow complying development, including the *State Environmental Planning Policy (Housing) 2021* and the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

There are several general requirements that must be met for development to be eligible as complying development. These include that complying development may only be carried out on land with minimal environmental constraints, and that the proposed development must comply with all applicable development standards set out in the relevant SEPP. Under the current complying development process, if a proposed development doesn't meet these standards, no matter how minor the departure is, the entire development must be assessed through the development application process which can add over 60 days on average to assessment times and demands more resources of the planning system.

A complying development certificate is a combined development approval and construction certificate. This means complying development can commence works as soon as a CDC is issued. By contrast, once a development receives approval from council, it also requires a construction certificate to be issued before works can start.

Complying development can be approved by either a council or a private registered certifier. Further information on complying development can be found in the [Guide to Complying Development](#).

2.2 Role of complying development in planning approvals

Complying development provides an important planning approval pathway in delivering housing and other development approvals.

Complying development currently accounts for 45% of all planning approvals in NSW. Its use is increasing, particularly for housing developments. In the 2024-25 financial year, 63% of dwelling houses, medium-density and secondary dwellings were approved through the CDC pathway compared to the DA process.

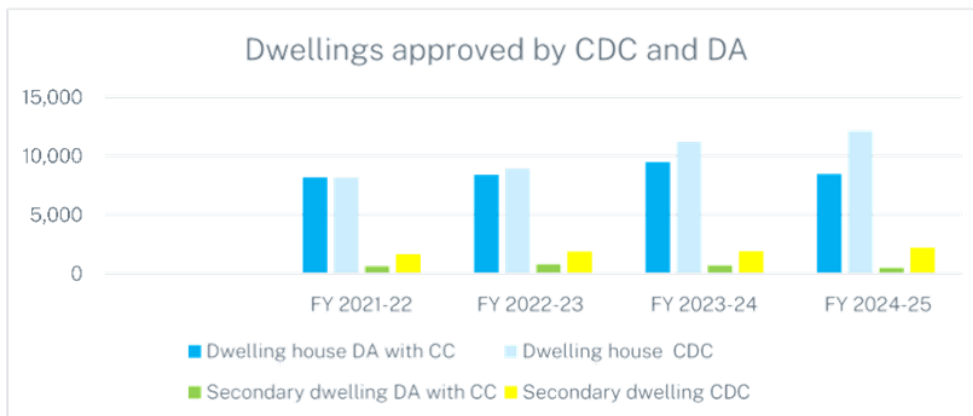


Figure 1: Comparison showing the increasing role of CDCs for dwelling approvals

2.3 Opportunities to expand complying development

Amendments to the Codes SEPP over the years have progressively expanded the range of development eligible for the complying development pathway. However, many relatively minor proposals still do not meet every prescribed standard. As a result, applications with only minor non-compliances are unable to access the faster complying development pathway and must instead be assessed through the more complex and time-consuming development application process. Approximately 90% of all development applications in NSW are for alterations, additions and single-dwelling houses with an estimated value of less than \$1 million. A large proportion of these applications could be assessed through the faster complying development pathway.

Currently 50% of applications are approved through the development application pathway by councils, 5% are assessed as State Significant development (SSD) by the Minister for Planning and Public Spaces, or the Independent Planning Commission, and 45% are assessed as a complying development by private certifiers or councils.

The proposed amendments to the Codes SEPP are intended to increase the number of small-scale developments, that can progress through the complying development pathway, while ensuring higher impact development or development on environmentally sensitive sites continues to be assessed through the development application and SSD pathways.

These amendments will result in faster approvals, delivering housing and other development sooner. The changes we're making will create greater flexibility within the complying development framework without compromising on good planning outcomes with a focus on minor low impact design variations. The changes will speed up the assessment of low-risk, low-impact development, while retaining council oversight of variations that don't meet existing development standards. This will also free up council resources so they can focus on assessment of larger and more complex development.

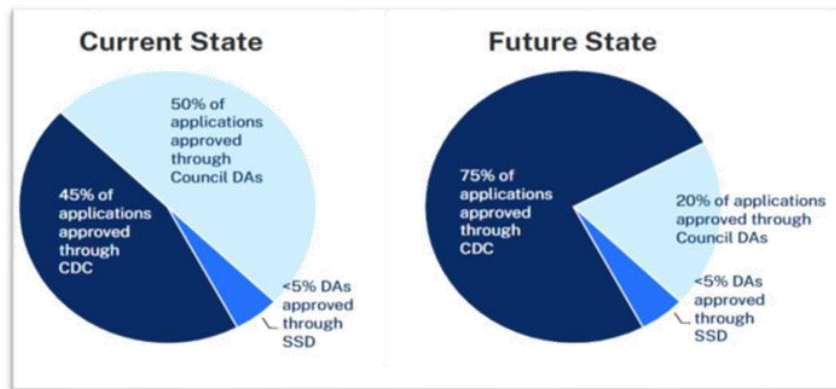


Figure 2: Current and future state of planning approval pathways

2.4 Role of complying development variations in the broader planning system reforms

Complying development variations are part of a series of reforms introduced through the Planning System Reforms Act aimed at making the planning system faster, fairer and more modern. Further information on these reforms can be found on our [website](#) and in the *Reforming the NSW planning system* overview document.

We are also seeking feedback on other planning system reforms through a discussion paper on low-rise housing reforms and targeted assessment. The discussion paper seeks feedback on the proposed establishment of a new Low-Rising Housing Code, which would include objectives and standards for complying development and targeted assessment, including the use of variations. The future state for low-rise housing pathways outlined in the discussion paper is shown in Figure 3.

The variations proposed in this EIE are the first stage of variations. Further amendments to the Codes SEPP, and additional variations may be required in the future to align with a new Low-Rise Housing Code, should it be established.

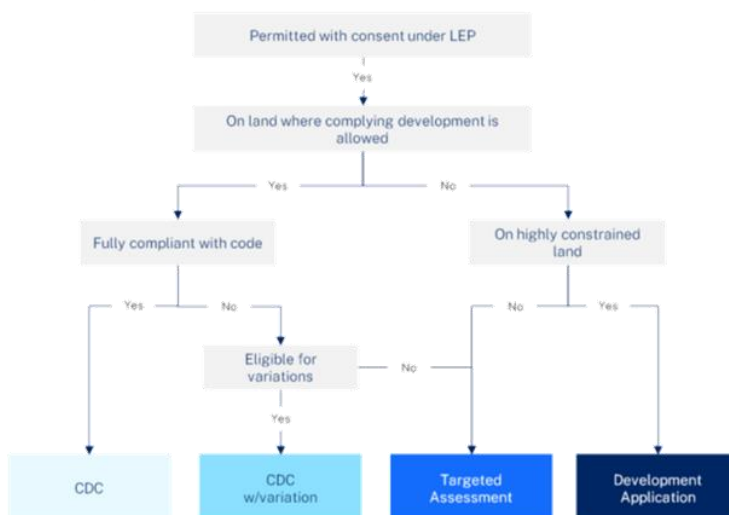


Figure 3: Proposed future state for low-rise housing pathway

3 Complying development variation process

3.1 Variations to complying development

The NSW Government is establishing a new CDC variation process, where variations to specified complying development standards can be approved by council through the issue of a variation certificate. Once a variation certificate has been issued, the other components of the CDC application can continue to be considered by a registered certifier or by council.

The proposed changes are intended to allow more lower-impact development to proceed through the faster complying development pathway, rather than the development application pathway, while maintaining council oversight on variations that don't meet all development standards.

Variation certificates may be issued for a CDC and for modifications to complying development. Variations would need to be applied for before construction works commence and would not be available to address issues that arise during the construction process.

The complying development standards that can be varied will be detailed in environmental planning instruments (EPIs) and in the first instance this will be in State Environmental Planning Policies, such as the Codes SEPP.

The relevant SEPP may set out any limitations on the extent that a development standard can be varied, or the objectives that must be achieved in varying the standard.



Figure 4: Current and future state of complying development

Development that fully complies with development standards



Development that mostly meets development standards and requires a variation certificate



Figure 5: Existing complying development process and CDC with variations

3.2 Proposed process for applications for variation certificates

It is proposed that an application for a variation certificate may be made both:

- when an applicant lodges a CDC application, and
- after a CDC application is lodged, if a certifier or council assessing the CDC identifies a variable standard that is not complied with.

The variation certificate application must be supported by a document justifying the variations, plans showing the variations and the information requirements as outlined in Chapter 4 of this EIE. See section 3.5 for more information on these requirements.

The application for a variation certificate will be made as part of the application for a CDC on the planning portal. The certifier will refer the variation certificate application to council via the portal for their assessment with the applicant paying the relevant fee to council.

Council will provide a determination on the variations within a set timeframe, or it will be deemed approved. Council will have 10 calendar days to assess the variation when the CDC is referred from a private certifier or 20 calendar days when council is assessing both the variations and the CDC.

Where variations are supported, council will issue a variation certificate or where variations are deemed approved, the certifier or council can continue assessing the proposed development against the remaining complying development standards.

If the variations are refused, an applicant will either need to amend their plans to meet all complying development standards to continue to be assessed as a CDC or alternatively submit a development application to council.

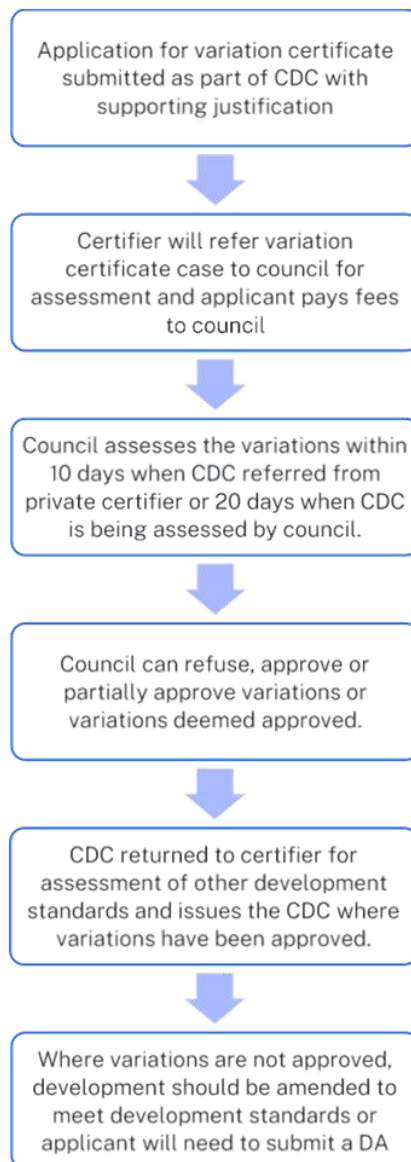


Figure 6: CDC variation certificate process

Tell us what you think

- Do you have any comments on this proposed process or suggestions on how this process could be improved?

3.3 Complying development standards that can be varied

The NSW Government is proposing that variations focus on the most common types of standards where minor non-compliances currently prevent development applications from proceeding through the complying development pathway. The emphasis is on low-risk and low-impact variations, which should have minimal environmental impact.

The first stage of the reforms will focus on low-rise housing to assist with the delivery of more housing. We're proposing that variations will apply to the following parts of the Codes SEPP:

- Part 3 Housing Code
- Part 3A Rural Housing Code
- Part 3B Low Rise Housing Diversity Code
- Part 3C Greenfield Housing Code
- Part 3D Inland Code

A summary of the types of complying developments standards that may be varied is outlined below. Further details of how these could be varied are set out in Chapter 4 of this EIE.

Complying development standards proposed for variation

<p>Setbacks</p> <ul style="list-style-type: none"> • Front setbacks • Side setbacks • Rear setbacks • Primary road articulation zones <p>Site requirements</p> <ul style="list-style-type: none"> • Dual occupancies widths and requirements • Habitable windows on ground floor on narrow lots 	<p>Amenity standards</p> <ul style="list-style-type: none"> • Maximum building height • Maximum Gross Floor Area • Privacy screens <p>Vehicle access and arrangements</p> <ul style="list-style-type: none"> • Maximum width of garage doors • Access requirements for dual occupancies on narrow lots <p>Other</p> <ul style="list-style-type: none"> • Swimming pool standards • Tree protection
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Figure 7: Proposed variations

Tell us what you think

- Should we include any other complying development standards that can be varied?
- Let us know your feedback on the proposed way in which complying development standards can be varied.

3.4 Number of complying development standards that can be varied

It is proposed that no more than three to four complying development standards may be varied for any single development. This cap would apply to the development as a whole, including the initial CDC application and any subsequent modification applications. Variations will be limited to complying development standards and will not extend to the general requirements for complying development eligibility. This means that a variation would not be permitted to allow complying development to occur on certain land, such as environmentally sensitive land or other land where complying development is currently prohibited.

Tell us what you think

- How many complying development standards do you think should be able to be varied for the one development?

3.5 Application and assessment process for variations

3.5.1 Documentation requirements

Justification to support application for variation certificate

It is proposed that an application for a variation certificate must be supported by a justification document prepared on behalf of the applicant.

It is suggested the justification document:

- outline the complying development standards in the relevant SEPP being varied and the variations sought,
- demonstrate consistency with the way in which the SEPP outlines the complying development standard may be varied,
- provide reasons and justification why a variation to the complying development standard is appropriate,
- include drawings or plans of the proposed development illustrating the part of the development where the variation is being sought and the proposed variation, and
- include the information requirements as outlined in Chapter 4.

The justification document may be prepared by the applicant or their building designer, architect or planner.

Applicants are expected to provide all required information to councils upfront to assess the variation certificate.

The Department will prepare a template justification document for applicants, so that all requests for variation certificates are standardised and contain the required information.

Along with the justification document, we are proposing that all plans be referred to councils when the certifier refers the application to council via the planning portal.

Variation certificate

The Department will prepare a variation certificate template document, which councils will use in determining applications.

Tell us what you think

Are there any additional information requirements that would assist councils in assessing the variation certificates within 10 days?

3.5.2 Fees for variation certificates

The NSW Government is considering two possible fee structures for applications for variation certificates to be paid to councils.

These fees would also apply for a new variation certificate where an applicant amends or modifies their application and reassessment of the variations is required.

This fee would be in addition to any other fees payable to the registered certifier or council for assessment of the CDC.

Option 1: Set fee

This option would impose a set fee of 4 fee units for a variation certificate application, which equates to \$456 in the 2025/26 financial year, and would be payable to councils.

Option 2: Fee per variation

This option would impose a fee based on the number of variations to complying development standards being considered by council. This could be scaled as follows:

- one variation = 3 fee units (\$342)
- two variations = 4 fee units (\$456)
- three or four variations = 5 fee units (\$569)

Tell us what you think

- Should the fee be set or be based on the number of complying development standards included within the request for a variation certificate?
- Let us know your thoughts on the proposed fees for variation certificates.

Note, these fees would be subject to annual indexation in accordance with the Consumer Price Index and we are not proposing refund of fees for these applications.

3.5.3 Assessment of variation certificates

Section 4.31A of the Planning Systems Reforms Act sets out the requirements for determining an application for a variation certificate.

A council assessing an application for a variation certificate must only consider the complying development standards being varied and its application to the proposed development.

In doing so, Council must also consider whether the variation is permitted by the relevant EPI (i.e. the Codes SEPP) and whether it's consistent with how the SEPP provides that a complying development standard may be varied and that there will no significant additional adverse impacts.

A council may either:

- **Approve a variation certificate**

Where an applicant has sought multiple variations to complying development standards, council may approve all or only some of the variations. In this instance, the variation certificate should detail the complying development standards that have been approved within the certificate and the variations that have been refused.

We are not proposing conditions will be required for variation certificates as these are minor design variations and the Codes SEPP already contains conditions that must be included in the CDC.

- **Refuse a variation certificate**

A council should refuse a variation certificate where:

- the complying development standards proposed for variation are standards which can't be varied in the SEPP.
- the variations sought are not consistent with the way or extent the SEPP prescribes how the standard may be varied.
- the development is located on land on which complying development is not permitted.
- no justification or insufficient information has been provided to support the variation.
- the application has not been made in accordance with the SEPP or regulation.

If council does not provide a decision on the variation within the required timeframe, the variation certificate will be deemed approved and the CDC can continue to be assessed in the complying development pathway, with the certifier's review focusing on the assessment of the other complying development standards.

The EP&A Regulation will include safeguards, so variations are not deemed approved where these are not made in accordance with the relevant SEPP or the EP&A Regulation requirements. Deemed approvals will not apply where an applicant seeks to vary development standards that can't be varied, the maximum number of allowable variations has been exceeded, or the variations exceeds the numerical limits specified in the relevant SEPP on how the development standards can be varied.

For example, if an applicant applies for a variation of increased height that exceeds the LEP height controls, then this variation could not be deemed approved.

If council refuses an application for variations or does not approve all the variations to complying development standards, an applicant will either need to:

- amend their CDC application to meet any non-conforming development standards that have not been approved if they want to continue in the complying development pathway, or
- proceed with a development application instead.

Tell us what you think

- Are there any other assessment matters we should consider or do you have any comments on the assessment of variation certificates?

3.5.4 Timeframes and deemed approvals of variation certificates

CDC assessed by a registered (private) certifier

Where a CDC application is being assessed by a private certifier, council will need to determine the application for a variation certificate within 10 calendar days.

If an application is not refused within this timeframe, the variations will be taken to have been deemed approved, and the private certifier should continue assessing the remainder of the CDC application.

The EP&A Regulation will include safeguards, so variations are not deemed approved where these are not made in accordance with the relevant SEPP or the EP&A Regulation requirements.

CDC assessed by council

Where a CDC application is being assessed by council, council will need to determine the variation certificate within 20 calendar days. This allows council to issue both the CDC and variation certificate at the same time.

The timeframe for considering a variation request will commence once an applicant has paid the relevant fee for the variation certificate application.

Please note that the timeframes will not apply to the two-week period around Christmas.

Tell us what you think

- Are these timeframes achievable for councils?
- What information and procedural requirements would assist with councils being able to meet these timeframes?

3.6 Review of the CDC variation certificate process

Once the CDC variation certificate process is operating, we will undertake regular reviews of this new process to identify the type of complying development standard variations being most commonly sought, approved or refused.

These reviews will help us identify whether amendments are needed to the Codes SEPP and whether any adjustments are needed to the variation pathway process.

We will consider whether this process should be included in the Minister's Statement of Expectations and council reporting.

4 Variations to complying development standards

4.1 Summary of the high-priority complying development standards being considered for variations

The initial focus of the new CDC variation certificate pathway is on low-rise housing developments to assist with the delivery of more housing.

We are proposing that variations will apply to the following parts of the Codes SEPP:

- Part 3 Housing Code
- Part 3A Rural Housing Code
- Part 3B Low Rise Housing Diversity Code
- Part 3C Greenfield Housing Code
- Part 3D Inland Code

The following changes are proposed within parts of these codes, noting that the changes may only apply to some of the Codes, with further detail included in the sections below.

1. **Maximum building height:** Allow minor variations of height where consistent with LEP height controls from:
 - 8.5 m up to 9 m for dwellings, dual occupancies and manor homes, and
 - 9 m up to 9.5 m for multi-dwelling housing (terraces).
2. **Maximum gross floor area for development:** Allow up to a 10% increase in the gross floor area requirements for dwellings, dual occupancies, manor homes, multi-dwelling housing (terraces) and attached development. The development would still be required to meet the landscape and private open space complying development standards.
3. **Primary road setbacks:** We are proposing permanent amendments to the development standards for the primary road setback of a new dwelling to allow alignment with one of the two nearest dwellings for dwelling houses in the Housing Code, as well as dual occupancies, attached development and manor houses in the Low Rise Housing Diversity Code. This would then become the starting point for any variation.

Variations to the primary road setback may be sought where the front setback is consistent with the established street setback or development control plan (DCP) controls.
4. **Primary and secondary road articulation zones:** Allow balconies, decks, pergolas, terraces, verandahs, bay windows and other design features within the front setback articulation zone up to 50% of the building width to allow articulation and design features forward of the front building line. Currently this is limited to 25% of the lot width. This will apply for dwellings, dual occupancies, manor homes and multi-dwelling housing (terraces).
5. **Side setbacks:** Changes are proposed to side setbacks to allow:

- alteration or additions to an existing dwelling to align with an existing dwelling's side boundary setback, or 900 mm, whichever is greater in the Housing Code and Inland Code.
 - reduced setbacks of 900 mm for part of the development that is less than 4.5 m in height for dwellings, dual occupancies, manor homes, attached development and terraces in the Low Rise Housing Diversity Code.
 - reduced setbacks for parts of dual occupancies (one above another) and manor homes 10 m behind the building line and above 4.5 m in height.
 - reduced setbacks in the Rural Housing Code and the Inland Code for RU1, RU2, RU3, RU4 and RU6, where consistent with a council DCP.
 - reduced upper storey setbacks for zones RU5, R1, R2, R3 and R4 in the Inland Code for lots less than 18 m wide.
6. **Rear setbacks:** Allow variations where the rear setback is consistent with council DCP rear setback controls or is consistent with the average rear setback of the 2 adjoining dwellings within 40 m.
7. **Privacy screens:** The following variations are proposed:
- Allow variations to privacy screen requirements for dwellings and dual occupancies (side by side) if there is no direct line of sight to the neighbouring property.
 - Permanent changes are also proposed to the Codes SEPP to clarify that privacy screens are not required along the edge of a balcony facing a public road or public open space.
8. **Maximum width of garage doors:** The following variations are proposed:
- Variations are proposed to allow carparking setbacks to be varied from being 1m setback behind the building line to align with the building line.
 - Changes are also proposed to increase garage door sizes on small and narrow lots where currently only a single garage may be permitted, where the garage is integrated into the dwelling design, it's not visually dominant and presents as a single driveway at the property boundary.
9. **Dual occupancies – lot requirements, width and access:** Allow variations for two-storey attached dual occupancies on lot widths of 12 m to 15 m, with each dwelling able to have a single garage with access from a primary road and allow a reduced width of each dwelling to 5 m.
10. **Building design - windows to habitable rooms:** Allow a variation for two-storey dwellings on narrow lots of less than 11 m wide to not require a window to a habitable room on the ground floor facing the primary or parallel road, where the dwelling includes windows to habitable rooms or balconies facing the street on the upper-level which provide passive surveillance of the street.
11. **Detached development:**
- Detached development includes a deck, patio, pergola, terrace or verandah, cabana, cubby house, fernery, garden shed, gazebo or greenhouse, carport or garage, and sheds.
- **Maximum GFA:** Allow a variation to the maximum GFA of detached development. This will allow the GFA to be varied to 60 m² for lots 400–600 m², 75 m² for lots 600–900 m², and for lots > 900 m² in the Inland Code be varied up to 120 m². Noting the GFA of detached structures is considered in the overall GFA for the development.

- Side setbacks: We are proposing to allow a variation to side setbacks for alterations and additions to an existing detached development where it aligns with the existing detached structure's setback, provided the proposal meets the design and amenity tests for the relevant code. This includes demonstrating that the development maintains required landscaped area.
12. Detached studios: We are proposing to allow variations up to an additional 10% of the maximum gross floor area for detached studios associated with a dwelling, dual occupancy, manor home or terrace, with these currently being limited to 20-36 m². This will still be included within the overall maximum GFA for a lot.
 13. Swimming pools: We are proposing to allow minor variations to setback and location requirements of swimming pools. The changes will allow reduced secondary road setbacks for swimming pools on corner lots, pools in the side yard of a dual occupancy or manor home and pools to be located behind the front setback requirements for certain rural development.
 14. Tree protection: Allow variations for complying development to occur on land within 3 m of a protected tree located on the site or adjoining lot, where an arborist report has determined an appropriate setback from the tree trunk and the proposed setback is consistent with the arborist report recommendation.

Further details on the proposed changes are provided in the sections below.

4.2 Maximum building height

Currently the Codes SEPP places limits on the height of buildings, despite the development meeting the current height controls within the relevant council Local Environmental Plan (LEP). The NSW Government is proposing to allow minor height variations from 8.5 m to 9 m for dwellings, dual occupancies, manor homes, and 9 m to 9.5 m for multi-dwelling housing (terraces) where this is consistent with a council's LEP height controls.

This will allow for minor height differences due to differing site topography, roof features and allow higher development where it is consistent with the height limits of a locality and as permitted by the relevant council LEP.

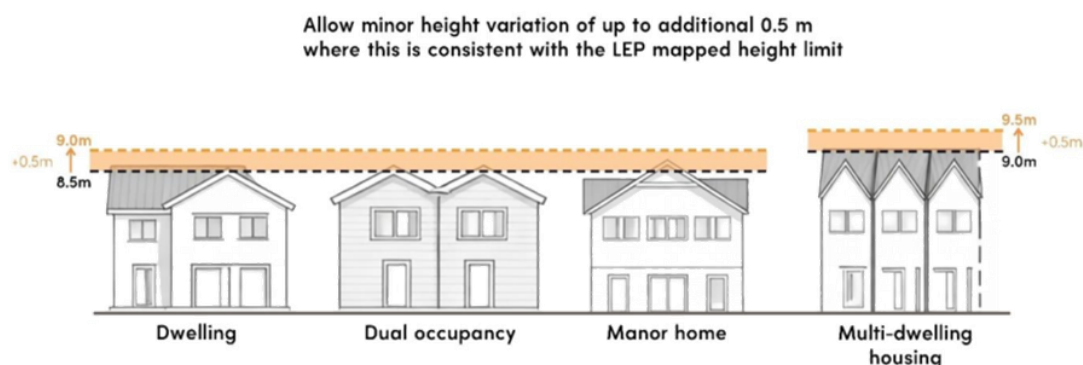


Figure 8: Proposed variations for maximum building height

Table 1: Proposed variations for maximum building height

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Housing Code – cl 3.8 Rural Housing Code – cl 3A.14(1) for R5 zone only Low Rise Housing Diversity Code – cl 3B.9, 3B.22(1) and 3B.34 Greenfield Housing Code – cl 3C.9	Maximum height of buildings and attached development for dwellings, dual occupancies, manor homes and attached development is 8.5 m. Maximum height of building for multi-dwelling houses (terraces) and attached development is 9.0 m.	Allow minor variations of height from: <ul style="list-style-type: none"> • 8.5 m up to 9 m for dwellings, dual occupancies, manor homes, and • 9.0 m up to 9.5 m for multi-dwelling housing (terraces). Provided the development remains consistent with the LEP height controls.

Information requirements to support applications for a variation certificate for increased building height

The application should outline why an increase in heights is required, how the development responds to the topography of the site and to adjoining development, as well as a consideration of how the increased height may impact on the immediately adjoining properties and any views. This should include consideration of overshadowing impacts on neighbouring properties and be supported by shadow diagrams.

4.3 Maximum gross floor area (GFA) for development

Currently the Codes SEPP includes a maximum GFA based on the lot size of development, the type of development and the relevant code that applies. The same maximum GFA applies regardless of whether development is one or two-storey. A number of councils do not include GFAs in their DCP and instead rely on floor space ratios and site coverage.

Gross floor area is a measure of the sum of the floor area of each floor of a building, measured from the internal face of external walls. It excludes certain parts of a building, such as voids, storage and vehicle access areas, and terrace or balconies with walls less than 1.4 m high, as illustrated below.

The NSW Government is proposing to allow a variation of up to a 10% increase of the maximum GFA to allow instances where a dwelling may not meet the current GFA standards within the Codes SEPP. This will apply to dwellings, dual occupancies, manor homes, terraces and attached development where permitted within the Housing Code, Low Rise Housing Diversity Code, Greenfield Housing Code and Inland Code. This will be particularly beneficial for two-storey development and larger lots that can still meet the other relevant complying development amenity standards, such as landscape and private open space standards.

As an example, for a dwelling on a 450 m² lot in the Housing Code, this would allow the current GFA to be increased from 290 m² to 319 m². Noting that landscape and private open space standards will continue to apply to ensure sufficient landscaping and open space on the lot.

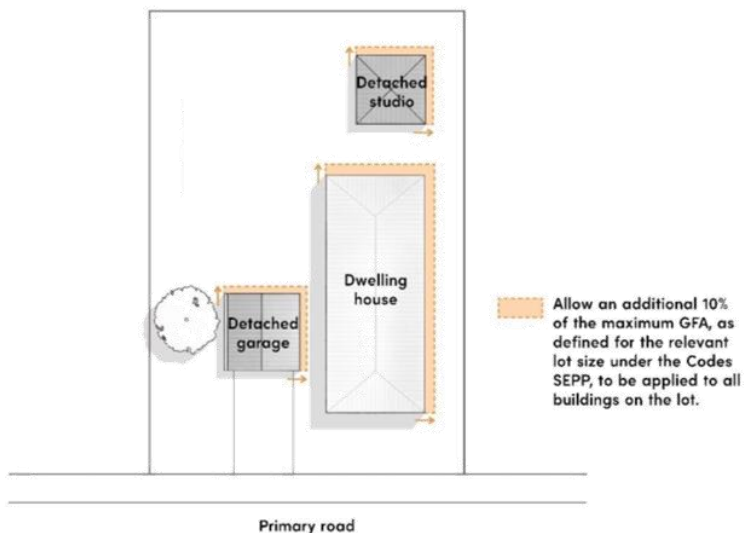


Figure 9: Variations proposed for maximum GFA

Table 2: Proposed variations for maximum GFA

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Housing Code – cl 3.9(1) and 3.19(1) Low Rise Housing Diversity Code – cl 3B.10, 3B.23 and 3B.35 Greenfield Housing Code – cl 3C.10(1) and 3C.22(1) Inland Code – cl 3D.20(1)	Currently, the maximum GFA varies based on the size of the lot.	Allow an additional 10% of the maximum gross floor area as defined for the particular size of lot in the Codes SEPP.

4.4 Primary road setbacks (front setbacks)

Currently, the Codes SEPP requires that the primary road frontage is based on the average setback of the two nearest dwellings on the same road, or if there are no two dwellings within 40 m, a set frontage is included. For rural zones, a front setback distance is defined.

Where a proposed development adjoins another dwelling that has an irregular setback much further than other dwellings within the street, this is restricting development from using the CDC pathway.

We are proposing to make both changes to the Codes SEPP, as well as allowing variations for this clause. We are proposing to allow the primary front setback to align with one of the two nearest dwellings within 40 m on the same side of the primary road, rather than averaging the two. This change is to apply to dwelling houses in the Housing Code as well as dual occupancies, attached development and manor houses in the Low Rise Housing Diversity Code. This change is further detailed in Chapter 5 below. This would then become the starting point for any variation.

The NSW Government is also proposing to allow variations where the front setback is consistent with the established street setback or is consistent with DCP controls for dwellings, dual occupancies, manor homes and terraces.

These changes are to reflect that setbacks may not be uniform, and council DCPs may contain different setback controls for different zones and areas, particularly areas undergoing change and redevelopment for more diverse housing.

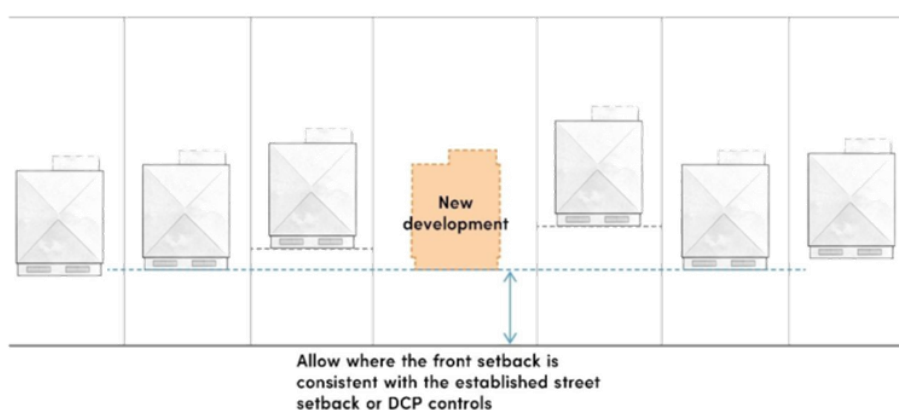


Figure 10: Variations to primary road setback

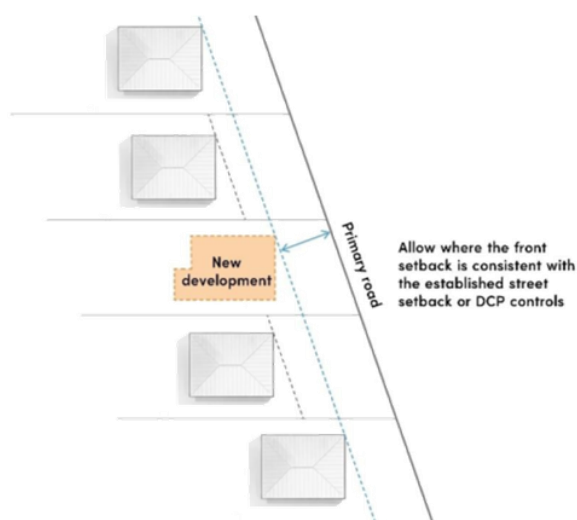


Figure 11: Variations to primary road setback on angular streets

Table 3: Proposed variations for primary road setbacks (front setbacks)

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Housing Code - cl 3.10(1) Low Rise Housing Diversity Code - cl 3B.11(1), 3B.24(1) and 3B.36(1)	Front setback is based on the average of the two closest dwellings within 40 m, noting a permanent change is proposed to allow alignment with an adjoining dwelling.	Allow where the front setback is consistent with the established street setback or DCP controls. This will apply to dwellings, dual occupancies, attached development, manor house and terraces.
Rural Housing Code - cl 3A.15(2)(b), (c)	Front setback is 30 m in the RU4 zone and 50m in RU1, RU2, RU3 or RU6 zones.	Allow where the front setback is consistent with the established street setback or DCP controls.
Rural Housing Code - cl 3A.15(1) and 3A.15(2)(a)	In the R5 zone, for lots less than 4,000 sqm, the front setback is based on the average setback of the 2 nearest dwellings or where no dwellings are within 40 m, the setback is 10 m. In the R5 zone, for lots at least 4,000 m ² in size - a set 15 m front setback applies.	Allow where the front setback is consistent with the established street setback or DCP controls.
Inland Code - cl 3D.12(1), 3D.21(1) and 3D.32(1)	Front setback is based on the average primary road setback of the 2 nearest dwelling houses on the same side. For R5 zone lots at least 4,000 m ² in size, a minimum setback of 15 m applies. Front setback is 30 m for RU4 and 50 m in RU1, RU2, RU3 or RU6 zones and 50 m for an unsealed road.	Allow where the front setback is consistent with the established street setback or DCP controls.

Information requirements to support applications for variations for primary road setbacks

The application should justify the variation with an analysis of the existing street setbacks and outline why a variation is being sought and how the development responds to the existing street setback or Council DCP provisions. It should also outline any potential impacts on adjoining properties and how these have been mitigated.

4.5 Primary and secondary road articulation zones

Currently the Codes SEPP allows certain elements of a building to extend 1.5 m forward of the front building line setback up to a maximum extent of 25% within an area known as the articulation zone as illustrated below. This allows certain building elements such as entry features, porticos, balconies, decks, pergolas, terraces or verandahs, window box treatments, bay windows, awnings, sun shading features and eaves to extend 1.5 m forward of the building.

Currently this is limited to 25% of the articulation zone which is based on the lot width and extends 1.5 m forward. It is proposed that a variation to permit balconies, decks, pergolas, terraces up to a maximum of 50% of the building, as opposed to lot width within the articulation zone, to allow dwellings to include slightly wider and more usable decks and verandah structures and articulation features, while ensuring these do not extend further than 1.5 m into the front setback area. This will apply for dwellings, dual occupancies, manor homes, terraces were permitted within the Housing Code, Low Rise Housing Diversity Code, Greenfield Housing Code and the for the RU5, R1, R2, R3 and R4 zones in the Inland Code.

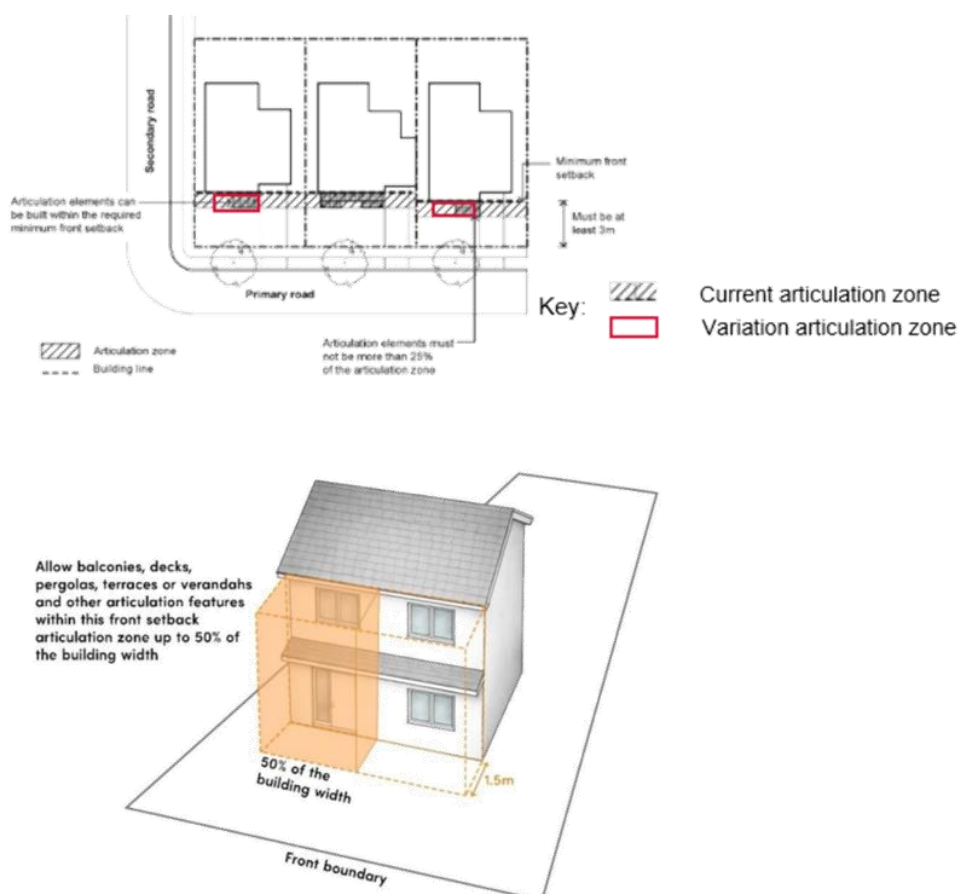


Figure 12: Variations for articulation zones

Table 4: Proposed variations for articulation zones

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Housing Code – cl 3.14(5) Low Rise Housing Diversity Code – cl 3B.16(3), 3B.28(3) and 3B.41(3) Greenfield Housing Code – cl 3C.16(5) Inland Code – cl 3D.25(5)	Currently allows a range of building elements such as porticos, balconies, decks, awnings, eaves and sun shading features, etc. to extend 1.5 m into the front setback up to a maximum extent of 25% of the articulation zone.	Allow balconies, decks, pergolas, terraces or verandahs and other articulation features within this front setback articulation zone up to 50% of the building width to allow greater balconies, decks, verandahs and design features forward of the front building line.

Information requirements to support applications for variations primary and secondary road articulation zones

The applicant should demonstrate that the additional built elements or façade features will not detract from the visual quality of the street.

4.6 Side setbacks

The side setback is the distance between the dwelling and the side boundary of that property. The current Codes SEPP includes different side setbacks based on the type of development, the relevant code that applies and the height of the building or the zone the development is located within.

Maintaining side setbacks is important for providing separation between dwellings and allowing solar access particularly for upper-level setbacks, which is why the Codes SEPP includes controls where development steps in for the upper level. Whilst maintaining setbacks is important, particularly for upper storeys, larger side setbacks can impact the development that can occur on a lot.

The Housing Code already allows build to boundary for small and narrow lots less than 12.5 m in certain circumstances. To help encourage more development and more diverse housing types, it is proposed some minor variations to side setbacks to allow a more consistent 0.9 m setback for the ground floor part of the building, which is less than 4.5 m or 5.5 m in height, where this is consistent with council DCP controls or there is no significant adverse impacts. Variations are also proposed for dual occupancies (one above the other) and manor homes to apply consistent setback requirements as for dual occupancies (side by side) for part of the upper storey setbacks.

For rural zones, a standard setback of 10 m applies, variations will also be allowed in these areas where it is consistent with council DCP controls. The NSW Government is also proposing for residential development in zones RU5, R1, R2, R3 and R4 in the Inland Code for lots less than 18 m wide, that the upper storey’s setback may be varied more consistently with how other upper storeys

setback are calculated, as the current standard restricts the upper storey development width for lots wider than 18 m.

The NSW Government is also proposing to allow a variation to side setbacks for alterations and additions to an existing dwelling where that dwelling does not currently meet the Codes SEPP controls, so the new additions can align with the current dwelling setback for development under the Housing Code and Inland Code.

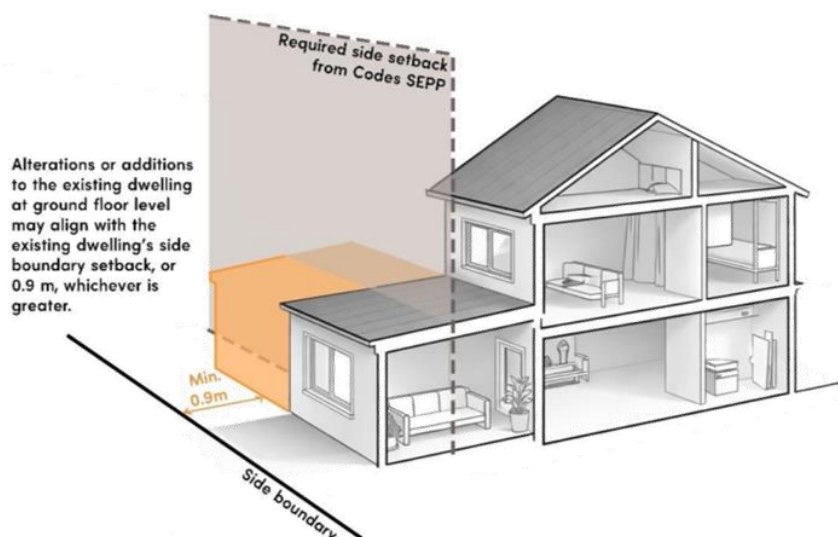


Figure 13: Alterations and additions will be allowed to align with existing setbacks

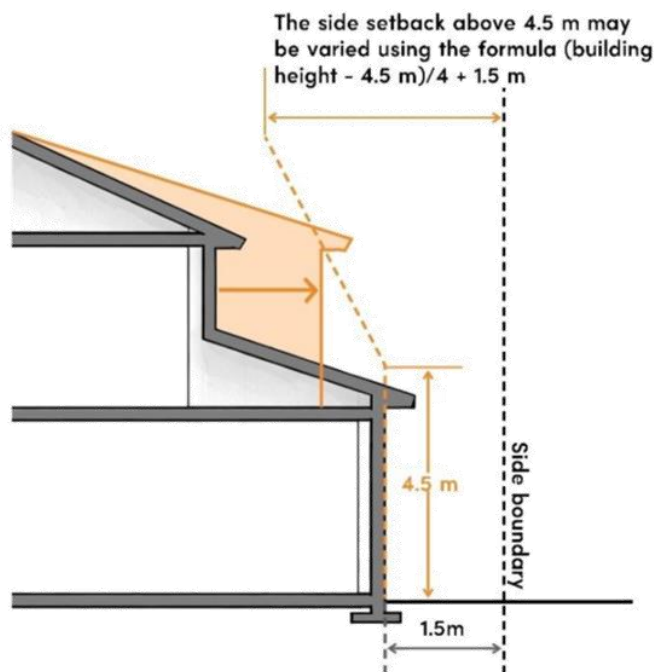


Figure 14: Variations to upper floor side setbacks for parts of manor homes and new dwellings under inland code

Table 5: Proposed variations for side setbacks

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Setbacks for alterations or additions to existing dwellings		
Housing Code – cl 3.10(4) Inland Code - cl 3D.21(7)	The required side setback is based on the lot width at the building line.	Alterations or additions to the existing dwelling may align with the existing dwelling’s side boundary setback, or 0.9m, whichever is greater.
Side setbacks for new dwellings		
Housing Code – cl 3.10(4)	For building heights up to 4.5 m: <ul style="list-style-type: none"> • 0.9 m for lot widths less than 18 m, • 1.5 m for 18-24 m wide lots • 2.5 m for lots greater than 24 m wide. 	Allow variations to side setbacks for building height less than 4.5 m to no less than 0.9 m, where this is consistent with the council’s DCP or there are no significant adverse impacts.
Rural Housing Code – cl 3A.16(2)	For lots in the RU1, RU2, RU3, RU4 and RU6 zones, the side setback is 10 m. For lots in the R5 zone with lots less than 4,000 m ² , the side setback is 2.5 m and for lots at least 4,000 m ² in size, the side setback is 10 m.	Allow variations where the side setback is consistent with council DCP side setback controls or there are no significant adverse impacts.
Low Rise Housing Diversity Code – cl 3B.11(4)	For building heights up to 4.5 m: <ul style="list-style-type: none"> • 0.9 m for lots up to 24 m wide • 1.5 m for lots 24-36 m wide • 2.5 m for lots greater than 36 m wide. 	The side setback may be varied to 0.9 m for part of the development that is less than 4.5 m in height, regardless of lot width.
Low Rise Housing Diversity Code – cl 3B.24(4), 3B.24(5) and 3B.36(4)	The side setback of a manor house, dual occupancy (one above another), terrace or attached development must have a 1.5 m setback for both lower and upper storeys. Dual occupancies (one above the other and manor homes): Any part of the development that is 10 m from the building line must be setback using a formula of the height of the building minus 3 m, which means a development of 8.5 m height would need to step in 5.5 m on each side for the upper storey.	The side setback may be varied to 0.9m for part of the development that is less than 4.5 m in height. Dual occupancies (one above the other and manor homes): The side setback for part of the development 10 m behind the building line and above 4.5 m in height, may be varied to be setback using the same calculation for building setbacks for dual occupancies in cl 3B.11(4) where the side setback is based on the (building height-4.5 m)/4 + 1.5 m.

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Inland Code – cl 3D.12(4)	For lots in the RU1, RU2, RU3, RU4 and RU6 zones, the side setback is 10 m.	Allow variations where the side setback is consistent with council DCP side setback controls or there are no significant adverse impacts.
Inland Code – cl 3D.21(8)	In zones RU5, R1, R2, R3 and R4 - any part of the development more than 4.5 m must have minimum side setbacks using a formula of the height of the building minus 3 m, which means a development of 8.5 m height would need to step in 5.5 m on each side for the upper storey, impacting upper storey development for smaller lots.	The side setback for the upper storey may be varied using the formula (building height - 4.5 m) / 4 + 1.5 m for lots less than 18 m in width.

Information requirements to support applications for variations to reduced side setbacks

The application should outline any amenity impacts on adjoining properties with consideration of how the development mitigates privacy impacts on neighbouring properties through window placement and the use of screening, planting and fences to improve privacy.

The application should include plans and drawings demonstrating the proposed development in the context of the adjoining development, including neighbouring windows.

For two-storey development with reduced setbacks, these should be supported by an analysis of any overshadowing impacts.

4.7 Rear setbacks

Currently, development in residential zones rear setbacks are based on the lot width at the building line, the type of development and the height of the building, with different setbacks applying for the ground floor generally below 4.5 m in height and the first floor with height 4.5-8.5 m. The Codes SEPP does not consider council DCP controls or setbacks of other adjoining development, apart from small lots of less than 300 sqm.

We are proposing to allow variations to mostly upper rear setbacks to consider local setback provisions and also adjoining development average rear setbacks. Changes are also proposed for both the lower and upper level setbacks for development in rural zones in the Rural Housing Code.

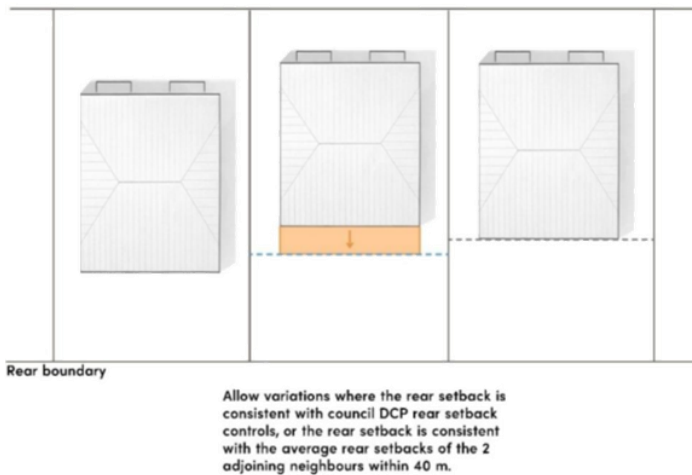


Figure 15: Variation for rear setbacks

Table 6: Proposed variations for rear setbacks

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Housing Code – cl 3.10(10)	Rear setback varies based on the lot size and building height.	Allow variations for all lot widths for an upper storey where the rear setback is consistent with council DCP rear setback controls, or the rear setback is consistent with the average rear setback (excluding a corner lot) of the 2 adjoining dwellings within 40 m.
Rural Housing Code – cl 3A.17(2) for RU1, RU2, RU3, RU4, RU6 and R5.	Rear setback is 15 m for any point of the building.	Allow variations where the rear setback is consistent with council DCP rear setback controls, or the rear setback is consistent with the average rear setback of the 2 adjoining dwellings within 40 m.
Low Rise Housing Diversity Code – cl 3B.11(5) Dual occupancies (side by side excluding corner lots)	Rear setback is based on lot size and building height. For lot sizes 400-900 m ² , for building parts with a height over 4.5 m, a rear setback of 8m is required.	Allow variations on 400-900 m ² lots where the setback for the part of a building above 4.5 m is consistent with the average of any adjoining dwellings second floor setback (apart from a corner lot) or allow variation to 6 m where this will not have significant adverse impacts.
Low Rise Housing Diversity Code – cl 3B.24(6) Dual occupancies (one above another)	Rear setback is based on lot size and building height. For lots, 400-1500 m ² , for building parts with height of >4.5-8.5m, a rear setback of 10 m is required.	The rear setbacks for dual occupancies and any attached development, apart from manor homes, on lots up to 900 sqm with building parts with a height of >4.5-8.5 m may be varied to be

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
		consistent with the average or any adjoining dwelling’s second floor setback (apart from a corner lot); or reduced to 8 m where the reduced setback will not have significant adverse impacts on adjoining dwellings.
Inland Code – cl 3D.21(14)	Rear setback varies based on the lot size and building height.	Allow variations for all lot widths for an upper storey where the rear setback is consistent with council DCP rear setback controls, or the rear setback is consistent with the average rear setback (excluding a corner lot) of the 2 adjoining dwellings within 40 m.

Information requirements to support applications for variations to reduced rear setbacks

The application should outline any amenity impacts on adjoining properties with consideration of how the development mitigates privacy impacts on neighbouring properties through window placement and the use of screening, planting and fences to improve privacy.

The application should include plans and drawings demonstrating the proposed development in the context of the adjoining development, including neighbouring windows and private open spaces.

For two-storey development with reduced setbacks, these should be supported by an analysis of any overshadowing impacts.

4.8 Privacy screens

The Codes SEPP currently requires privacy screens for certain habitable-room windows that face a side or rear boundary, as well as for elevated outdoor spaces such as balconies, decks and terraces. While these provisions are intended to protect the privacy of adjoining properties, in practice they often result in the widespread use of translucent glazing or high-sill windows for most side-facing habitable rooms. This can significantly reduce natural daylight access and restrict design outcomes, particularly for dwellings that rely on side-facing windows as their primary source of light and ventilation. By contrast, many council DCPs allow a merit-based assessment of visual privacy impacts, focusing on design solutions that minimise overlooking rather than mandating screening in all circumstances.

To provide greater flexibility and improve design outcomes, the NSW Government is proposing to introduce both changes to the Codes SEPP and to allow variations to the privacy screen requirements. A change to the Codes SEPP is proposed to clarify that privacy screens are not required along the edge of a balcony that faces a public road or public open space. This aligns the

Housing Code, Rural Housing Code, Greenfield Housing Code and Inland Code with the existing approach in the Low Rise Housing Diversity Code, recognising that overlooking of public areas does not raise the same privacy concerns as overlooking of private residential spaces. Further details on this change are included in Chapter 5 below.

In addition, it is proposed to allow variations where privacy screens are not required if a habitable-room window or raised open space (including a balcony, deck, patio, terrace or verandah) does not have a direct line of sight into a habitable-room window of an adjoining dwelling or into the principal private open space of an adjoining property.

A direct line of sight would be defined as any line measured from a height of 1.7 m above the finished floor level, taken from the perimeter of the window or raised open space, to any point within a horizontal distance of 9 m and within a 45-degree horizontal viewing angle. This variation would apply to the Housing Code, Zone R5 in the Rural Housing Code, Low Rise Housing Diversity Code, Greenfield Housing Code, Inland Code and the Housing Alteration Code.

These changes aim to maintain appropriate levels of residential privacy while enabling better access to natural light, improved design flexibility and more balanced outcomes consistent with council DCP approaches.

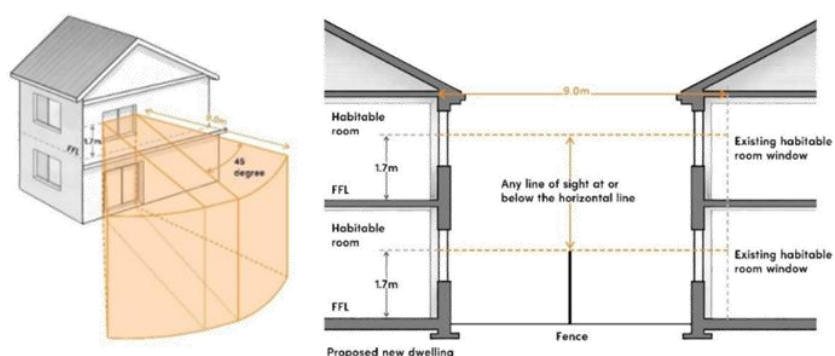


Figure 16: Direct line of sight - overlooking into habitable room windows

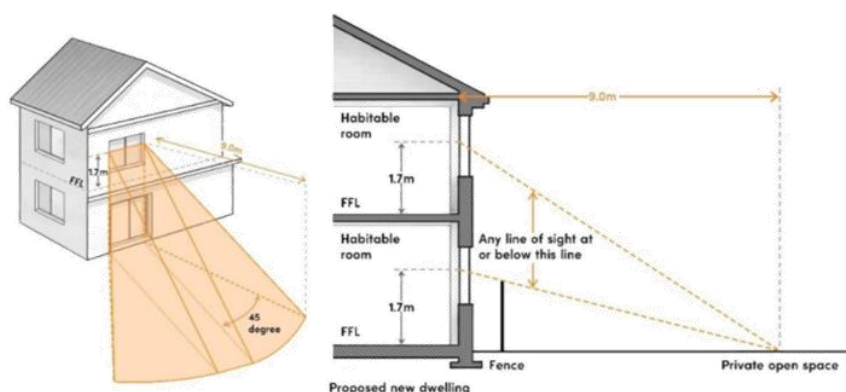


Figure 17: Direct line of sight - overlooking to private open space

Table 7: Proposed variations for privacy screens

Relevant code and clauses of the Codes SEPP	Current controls	Change to Codes SEPP proposed	Proposed variations
Part 3 Housing Code			
Housing Code – cl 3.15(1) and (3), and cl 3.25(9)	Currently requires privacy screens for certain habitable-room windows that face a side or rear boundary, as well as for elevated outdoor spaces such as balconies, decks and terraces.	Introduce a new clause in cl 3.15 to clarify that privacy screens are not required along the edge of a balcony facing a public road or public open space.	No privacy screen is needed if there is no direct line of sight to the neighbouring property.
Part 3A Rural Housing Code			
Rural Housing Code – cl 3A.23(2) and (4)	For lots in the R5 zone with an area of less than 4,000 sqm, the Codes SEPP currently requires privacy screens for certain habitable room windows that face a side or rear boundary, as well as for elevated outdoor spaces such as balconies, decks and terraces.	Introduce a new clause in cl 3A.23 to clarify that privacy screens are not required along the edge of a balcony facing a public road or public open space.	No privacy screen is needed if there is no direct line of sight to the neighbouring property.
Part 3B Low Rise Housing Diversity Code			
Low Rise Housing Diversity Code – cl 3B.17(1) and (3)	Currently requires privacy screens for dual occupancy and attached development for certain habitable-room windows that face a side or rear boundary, as well as for elevated outdoor spaces such as balconies, decks and terraces.	No permanent change proposed.	No privacy screen is needed for dual occupancy and attached development if there is no direct line of sight to the neighbouring property.
Part 3C Greenfield Housing Code			
Greenfield Housing Code – cl 3C.18(1) and (3) and 3C.28(9)	Currently requires privacy screens for certain habitable-room windows that face a side or rear boundary, as well as for elevated outdoor spaces such as balconies, decks and terraces.	Introduce a new clause in cl 3C.18 to clarify that privacy screens are not required along the edge of a balcony facing a public road or public open space.	No privacy screen is needed if there is no direct line of sight to the neighbouring property.
Part 3D Inland Code			
Inland Code – cl 3D.26(1) and (3) and 3D.37(3)(5)	Currently requires privacy screens for certain habitable-room windows that face a side or rear	Introduce a new clause in cl 3D.26 to clarify that privacy screens are not required along the edge	No privacy screen is needed if there is no direct line of sight to

Relevant code and clauses of the Codes SEPP	Current controls	Change to Codes SEPP proposed	Proposed variations
	boundary, as well as for elevated outdoor spaces such as balconies, decks and terraces.	of a balcony facing a public road or public open space.	the neighbouring property.
Part 4 Housing Alteration Code			
Housing Alteration Code – cl 4.4(2)	Currently requires privacy screens for certain habitable-room windows that face a side or rear boundary.	No permanent change proposed.	No privacy screen is needed if there is no direct line of sight to the neighbouring property.
Codes not included: No changes are proposed to clauses 3B.29 and 3B.42 for manor houses, dual occupancies where part of a dwelling is located above another dwelling, and multi-dwelling housing under the Low Rise Housing Diversity Code, as these development types are more intensive than single dwellings or dual occupancies and therefore warrant stronger privacy controls.			

Information requirements to support applications for variations to privacy screens

The application should include plans and sections demonstrating the proposed development in context of the adjoining development, including neighbouring windows and private open space areas.

The application should demonstrate how the proposal mitigates privacy impacts on neighbouring properties through window placement, the use of design, planting and fences and that the development does not have a direct line of sight into a habitable-room window of an adjoining dwelling or into the principal private open space of an adjoining property.

4.9 Maximum width of garage door opening and car parking requirements

The Codes SEPP currently includes maximum garage-door widths based on lot width, which in turn determines whether a dwelling can accommodate a single, double or triple garage. It also requires off-street parking spaces to be set back 1 m behind the building line. These controls aim to reduce bulk and visual dominance of garages when viewed from the street.

However, the visual impact of a garage is influenced by a range of design factors, including the proportion of the façade occupied by the garage, the number of storeys, articulation, and the overall scale of the dwelling. In practice, the current prescriptive limits can restrict functional garage design and limit the ability to accommodate additional parking on lots, even where the visual impact could be appropriately managed.

The NSW Government is proposing to allow variations for attached double garages (with garage-door openings up to 5 m) for two-storey dwellings on lots with a width between 10 m and

12 m where a single driveway presents at the street boundary and tapers to the garage. These variations would be subject to a merit-based assessment by council, demonstrating that the garage does not visually dominate the streetscape, the garage is integrated into the dwelling design. This variation would apply to the Housing Code and for zones RU5, R1, R2, R3 and R4 under the Inland Code.

Flexibility is also proposed for off-street parking setbacks by allowing parking to align with the building line, where the parking is integrated into the dwelling design and the garage doors are visually recessive. This variation would apply to the Housing Code, the Low Rise Housing Diversity Code, Greenfield Housing Code and to Zones RU5, R1, R2, R3 and R4 under the Inland Code.

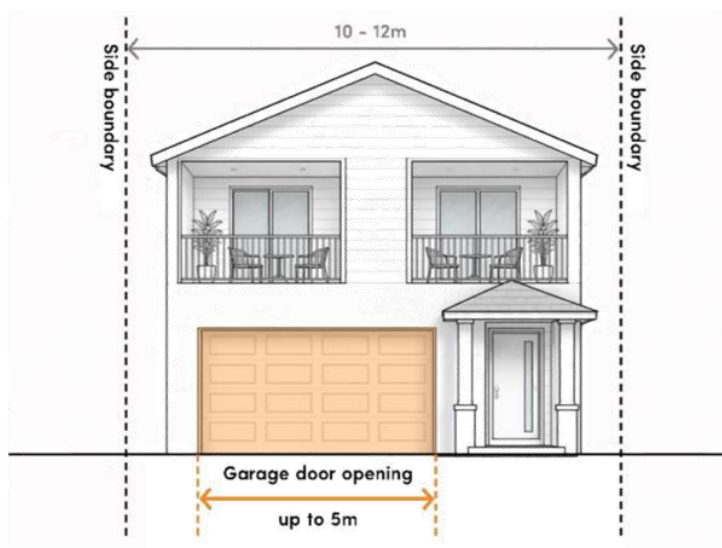


Figure 18: Variations for attached garage door width for two storey dwellings on lots between 10 m and 12 m wide

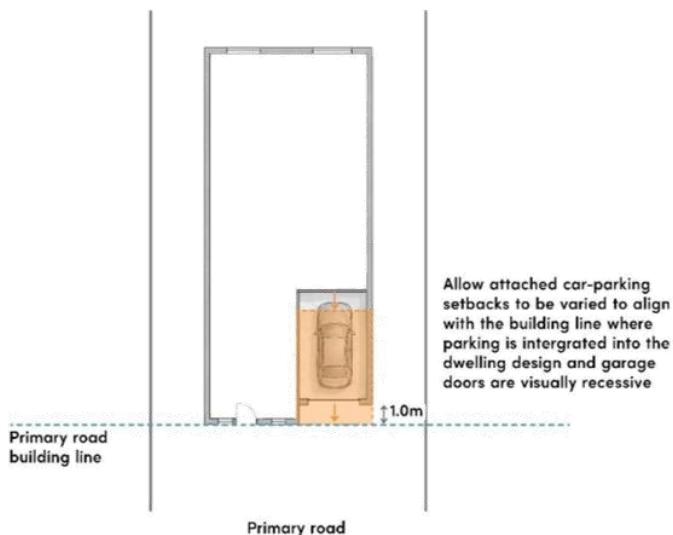


Figure 19: Variations for car-parking setback to align with the building line

Table 8: Proposed changes for garage widths and car parking setback requirements

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Housing Code – cl 3.16(5) Low Rise Housing Diversity Code – cl 3B.18(6) and 3B.30(5) Greenfield Housing Code – cl 3C.19(5) and 3C.26(6) Inland Code – cl 3D.27(2)	Currently requires car parking to be setback 1 m behind the building line where the setback is 4.5 m or more or otherwise be 5.5 m from the primary road.	Allow attached car-parking setbacks to be varied to align parking with the building line where parking is integrated into the dwelling design and garage doors are visually recessive.
Housing Code – cl 3.16(6) and Inland Code – cl 3D.27(7)	Maximum garage door width is 3.2 m for lots 8–12 m wide, and 6 m for lots wider than 12 m.	Allow the maximum attached garage door width to be varied to up to 5 m for two-storey dwellings on lots between 10 m and 12 m wide where the garage does not visually dominate the streetscape, the garage is integrated into the dwelling design, and driveways present as a single crossing at the property boundary.

Information requirements to support variations for changes to garage widths and car parking requirements

The application should demonstrate that the proposal will be in keeping with the streetscape and how the garage or parking is integrated into the dwelling design and does not visually dominate the frontage.

4.10 Dual occupancies (attached) – lot requirements, width and access

Currently, the Codes SEPP requires dual occupancies on lots less than 15 m wide to gain access from a secondary road, parallel road or rear lane, restricting a number of dual occupancies from using the Codes SEPP, as many lots are unable to achieve this access.

It is proposed a variation be allowed to attached two-storey dual occupancies on lot widths of 12-15 m to gain access from a primary road, with each dwelling to have a garage door width of no more than 3.0 m. Changes are also proposed to allow a variation of the width of the dual occupancy to be varied from 6 m to 5 m to allow development on these narrow lots.

The NSW Housing Pattern Book allows dual occupancies on lots with similar widths and access requirements in areas in which the Low- and Mid-Rise Housing Policy applies.



Figure 20: Semis 01 Pattern Book by Anthony Gills Architects



Figure 21: O'Donnell Case Study by MHNDU

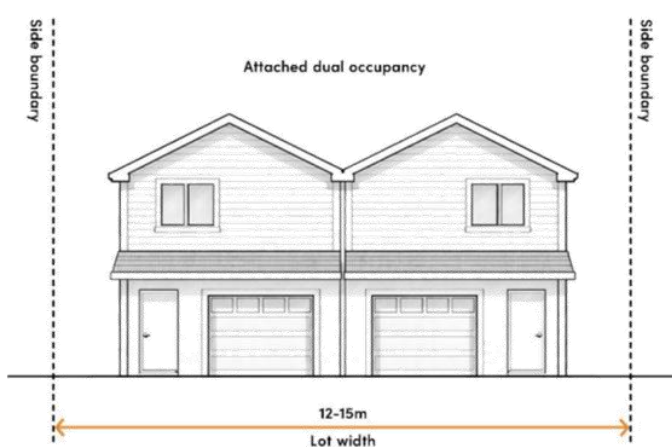


Figure 22: Allow attached two storey dual occupancies on lot widths of 12-15 m to gain access from a primary road

Table 9: Proposed changes for dual occupancies

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Low Rise Housing Diversity Code – cl 3B.8(2)(a)	The width of the parent lot must not be less than the following when measured at the building line – (a) if the car parking space for the parent lot is accessed only from a secondary road, parallel road or lane – 12 m, (b) otherwise – 15 m.	Allow a variation for development under this Code on 12-15 m wide lots for attached two storey dual occupancies with car parking access from a primary road.
Low Rise Housing Diversity Code – cl 3B.13(4)	Each dwelling, including an off-street car parking space for the dwelling, must have a minimum width, measured at the building line, of 6.5 m if the car parking space is accessed from a primary road or otherwise – 5 m.	Allow variation for an attached dual occupancy on lots 12-15 m wide for each dwelling to have a minimum width of 5m.

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Low Rise Housing Diversity Code - cl 3B.18(5)	For lots less than 15 m wide, car parking spaces must be provided at the rear of the lot or in a basement and must be accessed only from a secondary road, parallel road or lane.	Allow developments on 12-15 m wide lots to have carparking access from the primary street frontage with a garage door opening limited to 3 m wide per dwelling.

Information requirements to support applications for variations to dual occupancy

The application should demonstrate how the development will be in keeping with the streetscape.

4.11 Building design

Currently, the Codes SEPP requires at least one door and one window to a habitable room at the ground floor level facing a primary or parallel road. It can be difficult to provide functional living spaces and windows on the ground floor of a two-storey dwelling, which also incorporates a double garage on narrow lots of less than 11 m, with double garages of up to 6 m already permissible in the Greenfield Housing Code on lots less than 11 m.

Habitable spaces and decks on the upper level can ensure passive surveillance and reduce garage dominance.

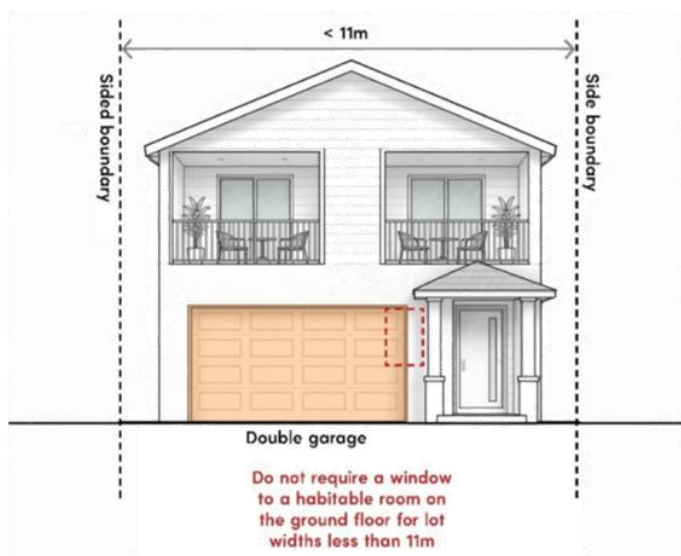


Figure 23: Variations for windows to habitable rooms at the ground floor

Table 10: Building design – windows to habitable rooms

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Housing Code – cl 3.14(2) Greenfield Housing Code – cl. 3C.16(2) Inland Code – cl 3D.25(2) for RU5, R1, R2, R3 and R4 zones	Requires at least one door and one window to a habitable room at the ground floor level facing a primary or parallel road.	Allow a variation for two-storey dwellings to not require a window to a habitable room on the ground floor facing the primary or parallel road for lot widths less than 11 m where the dwelling includes windows to habitable rooms or balconies facing the street on the upper level, which provide passive surveillance of the street.

Information requirements to support applications for variations to building design

The application should demonstrate how the development fits into the streetscape and provides passive surveillance of the street.

4.12 Certain detached development – maximum GFA and side setbacks

Detached development on a lot includes a deck, patio, pergola, terrace or verandah, cabana, cubby house, fernery, garden shed, gazebo or greenhouse, carport or garage, and sheds.

4.12.1 Maximum GFA

The Codes SEPP currently sets maximum GFAs for the detached elements listed above that vary by lot size, typically ranging from 36 sqm to 100 sqm. These limits operate alongside the site-wide maximum GFA, so the area of any detached structure is counted toward the total allowable GFA for the dwelling and associated development.

As part of the broader proposal to permit a minor variation of up to 10% to the maximum GFA for all development types, it is also proposed to allow a variation to the maximum GFA for certain detached structures. This would provide greater flexibility for functional and well-designed ancillary structures while retaining overall GFA controls. The variation would apply to the Housing Code, Low Rise Housing Diversity Code, Greenfield Housing Code and Inland Code.

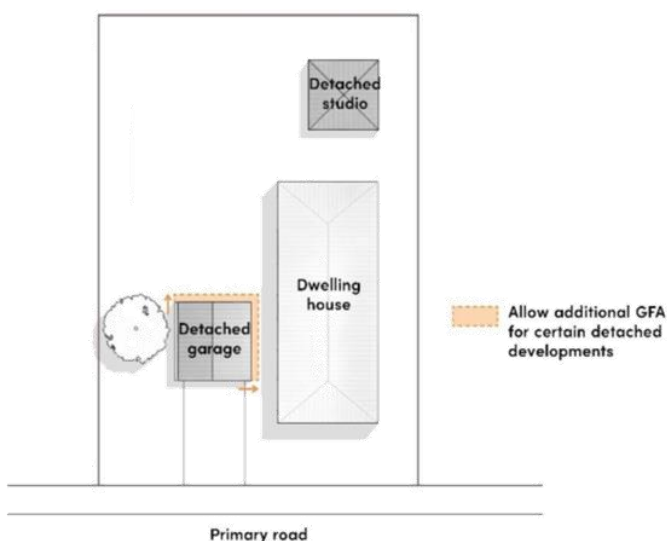


Figure 24: Variation of GFA for detached development

4.12.2 Side setbacks

The Codes SEPP currently requires side setbacks for detached structures that vary by lot width, generally between 0.9 m and 2.5 m. It is proposed to allow a variation to side setbacks for alterations and additions to an existing detached structure where the existing structure does not comply with the current Codes SEPP setback controls. Under the proposal, new additions would be permitted to align with the existing detached structure's setback, provided the proposal meets the design and amenity tests for the relevant code. This variation would apply to the Housing Code, Greenfield Housing Code and Inland Code.

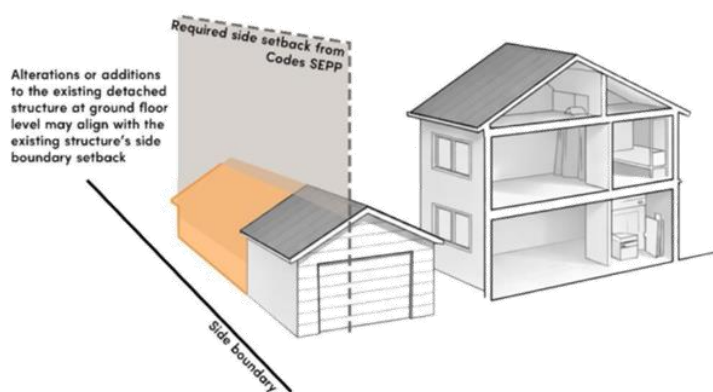


Figure 25: Variations for alterations and additions to development that does not currently meet the setback controls

Table 11: Proposed variations for detached development

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Maximum GFA		
Housing Code – cl 3.20 Greenfield Housing Code – cl 3C.23	Sets maximum GFA for detached development that varies by lot size: 36 m ² for lots 200–300 m ² , 45 m ² for lots 400–600 m ² , 60 m ² for lots 600–900 m ² , and 100 m ² for lots > 900 m ² .	Allow the maximum GFA of detached development to be varied to 60 m ² for lots 400–600 m ² and to 75 m ² for lots 600–900 m ² .
Low Rise Housing Diversity Code – cl 3B.48(1)(2)	Sets maximum GFA for detached development that varies by lot size: 45 m ² for lots 400–600 m ² , 60 m ² for lots 600–900 m ² , and 100 m ² for lots > 900 m ² .	
Inland Code – cl 3D.43	Sets maximum GFA for detached development that varies by lot size: 46 m ² for lots 200–300 m ² , 45 m ² for lots 400–600 m ² , 60 m ² for lots 600–900 m ² , and 100 m ² for lots > 900 m ² .	Allow the maximum GFA of detached development to be varied to 60 m ² for lots 400–600 m ² , to 75 m ² for lots 600–900 m ² , and to 120 m ² for lots > 900 m ² .
Side Setbacks		
Housing Code – cl 3.21(2) Greenfield Housing Code – cl 3C.24(2) Inland Code – cl 3D.44(2)	Currently requires minimum side setbacks for detached development that vary by lot width: 0.9 m for lots 6–18 m wide; 1.5 m for lots >18–24 m wide; and 2.5 m for lots > 24 m wide.	Allow a variation to side setbacks for alterations and additions to an existing detached structure where the existing structure does not comply with the current Codes SEPP setback controls, permitting new additions to align with the existing detached structure’s setback.

Information requirements to support applications for variations to reduced side setbacks

The application should outline the alterations and additions proposed, any amenity impacts on adjoining properties, with consideration of how the development mitigates privacy impacts on neighbouring properties. The application should include plans and drawings demonstrating the proposed development in the context of the adjoining development, including neighbouring windows.

For two-storey alterations and additions with reduced setbacks, these should be supported by an analysis of an overshadowing impacts.

4.13 Detached studios

The Codes SEPP currently sets maximum GFA limits for detached studios based on the size of the lot. Under the Housing Code, Greenfield Housing Code and Inland Code, detached studios are limited to a maximum of 20 sqm on lots between 200–350 sqm, and 36 sqm on lots greater than 350 sqm. Under the Rural Housing Code, the maximum GFA for a detached studio is 35 sqm for all

lot sizes. Under the Low Rise Housing Diversity Code, the maximum GFA for a detached studio is 36 sqm for all lot sizes. These controls operate alongside the broader maximum GFA requirements for all development on a site, meaning the GFA of a detached studio is included within the total allowable GFA for the dwelling and any associated development.

As part of the broader proposal to allow a minor variation of up to 10% to the maximum GFA for all development types, it is also proposed to allow a corresponding 10% variation to the maximum GFA of detached studios.

For example, on a 300 sqm lot under the Housing Code, the current maximum detached studio GFA of 20 sqm could be increased to 22 sqm under the proposed variation. This minor increase responds to the overall 10% GFA variation for the site and provides applicants with greater flexibility to pursue a CDC rather than a DA, while still maintaining landscape requirements to ensure adequate open space and site permeability.

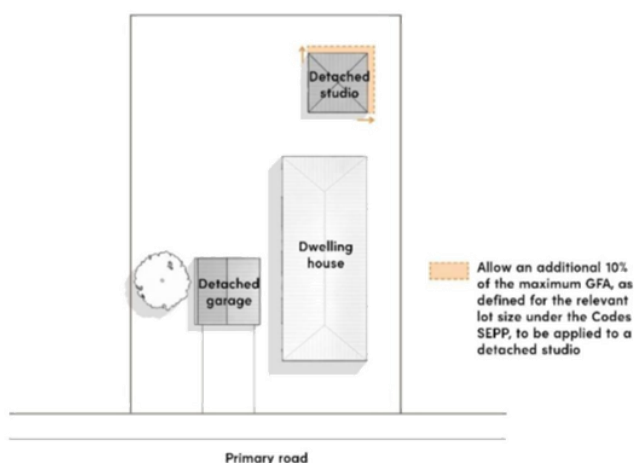


Figure 26: Variation of GFA for detached studios

Table 12: Proposed variations for detached studios

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Part 3 Housing Code, Part 3C Greenfield Housing Code and Part 3D Inland Code		
Housing Code – cl 3.25(3) Greenfield Housing Code – cl 3C.28(3) Inland Code – cl 3D.48(3)	The maximum gross floor area for detached studios is 20 sqm for lots between 200–350 sqm, and 36 sqm for lots greater than 350 sqm.	Allow up to an additional 10% of the maximum gross floor area as defined for the particular size of lot in the Codes SEPP.
Part 3A Rural Housing Code		
Rural Housing Code – cl 3A.33A(6)	The maximum gross floor area of a detached studio is 35 sqm.	Allow an additional 10% of the maximum gross floor area.
Part 3B Low Rise Housing Diversity Code		
Low Rise Housing Diversity Code – cl 3B.52(3)	The maximum gross floor area of a detached studio is 36 sqm.	Allow an additional 10% of the maximum gross floor area.

4.14 Swimming pools

The Codes SEPP currently places limitations on where swimming pools may be located on residential lots, and these controls vary across the Housing Code, Greenfield Housing Code, Rural Housing Code and Low Rise Housing Diversity Code. While these provisions aim to manage amenity, privacy and streetscape impacts, in practice they often prevent pools from being located in reasonable and low-impact locations, particularly on corner lots. We are proposing to allow variations that provide councils with greater flexibility to approve pools in locations that remain consistent with local character and amenity expectations.

Under the Housing Code and Greenfield Housing Code, swimming pools on corner lots must follow the same secondary road setback as the dwelling house. This often results in very limited permissible locations for a pool on a corner lot, even though councils routinely approve pools closer to the secondary road boundary through a DA where they are satisfied the impacts are minimal. It is proposed swimming pools can encroach into the secondary road setback on corner lots, provided a minimum 1 m setback is maintained between the water line and the secondary road boundary.

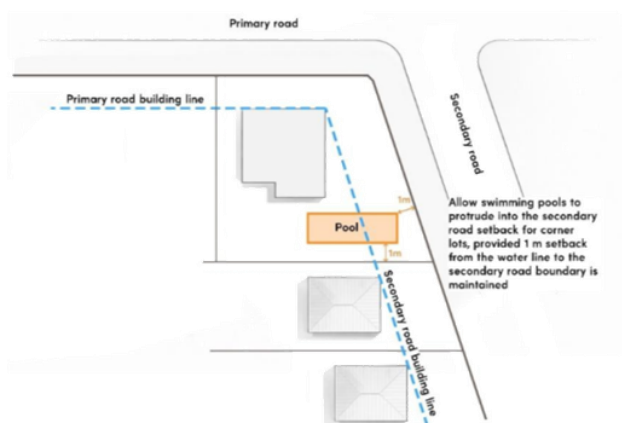


Figure 27: Variation for swimming pools in the secondary road setback of corner lots

Under the Rural Housing Code, swimming pools must be located behind substantial primary road setbacks. The Rural Housing Code requires a 30 m setback in RU4 zones and a 50 m setback in RU1, RU2, RU3 and RU6 zones. It is proposed that, instead of requiring swimming pools to be located behind the building line in these rural zones, that swimming pools to be located behind the front setback required under the relevant Council DCP or the Codes SEPP setback requirements, where the council is satisfied that the pool will have minimal visual or amenity impacts.

Under the Low Rise Housing Diversity Code, it is proposed to allow swimming pools to be located in the side yard of dual occupancies or manor homes where they are positioned behind the front building line, and to allow reduced secondary road setbacks to a minimum of 1 m between the water line and the secondary road boundary where appropriate.

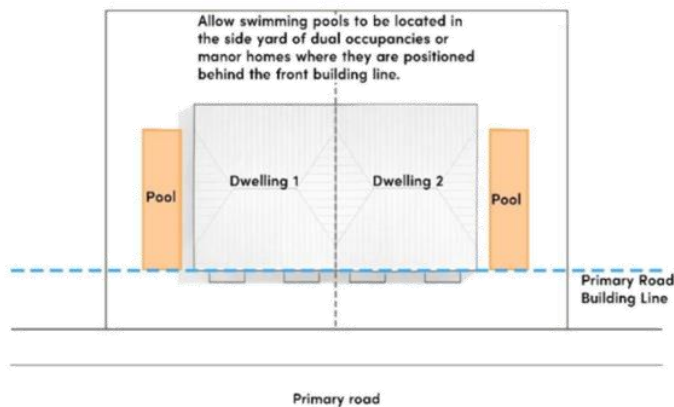


Figure 28: Variation for swimming pools for dual occupancies to allow these in the side setback

Table 13: Proposed variations for swimming pools

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Part 3 Housing Code and Part 3C Greenfield Housing Code		
Housing Code – cl 3.28(7A) Greenfield Housing Code – cl 3C.31(6A)	Currently requires swimming pools to be positioned behind the building line of the secondary road setback for corner lots. The secondary road setback varies based on the size of the lot and is 2 m for lots up to 600 m ² , 3 m for lots 600-1,500 m ² and 5 m for all other lots in the Housing Code and 2 m for the majority of lots in the Greenfield Housing Code.	Allow swimming pools to protrude into the secondary road setback for corner lots, provided 1 m setback from the water line to the secondary road boundary is maintained where these have minimal amenity impacts.
Part 3A Rural Housing Code		
Rural Housing Code – cl 3A.33(1) for rural zones (RU1, RU2, RU3, RU4 and RU6)	Currently requires swimming pools to be located behind the setback/building line from the primary road or in the rear yard with large setbacks of between 30 and 50 m.	Allow swimming pools to be located behind the front setback requirements of a Council DCP or Codes SEPP setback controls, where council is of the opinion that the development has minimal visual or amenity impacts.
Part 3B Low Rise Housing Diversity Code		
Low Rise Housing Diversity Code – cl 3B.56(6) and (8)	Currently requires the swimming pool to be in the rear yard with a minimum setback of 1 m from any side or rear boundary and behind the building line of the secondary road for corner lots.	Allow swimming pools in the side yard of a dual occupancy or manor home provided this is behind the front building line. Also allow swimming pools to protrude into the secondary road setback for corner lots, provided 1

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
		m setback from the water line to the secondary road boundary is maintained, where these have minimal amenity impacts.

Information requirements to support application for variations for swimming pool location

The application should outline any potential amenity impacts to adjoining neighbours or on the streetscape and how the impacts will be minimal.

4.15 Tree protection

Currently, complying development must be setback at least 3 m from each protected tree on the lot and an adjoining lot. This requires increased side setbacks for development and makes complying development unworkable on sites that contain trees in close proximity to the development.

A variation to the 3 m setback from a tree on the lot or a neighbouring lot is proposed, if the proposal is supported by an arborist report prepared by an AQF Level 5 arborist, which determines an appropriate setback from the tree trunk in accordance with AS4970:2025, where the Notional Root Zone and the Structural Root Zone are identified. In such a case, standard side or rear setbacks may apply if supported by setback requirements of the Arborist report.

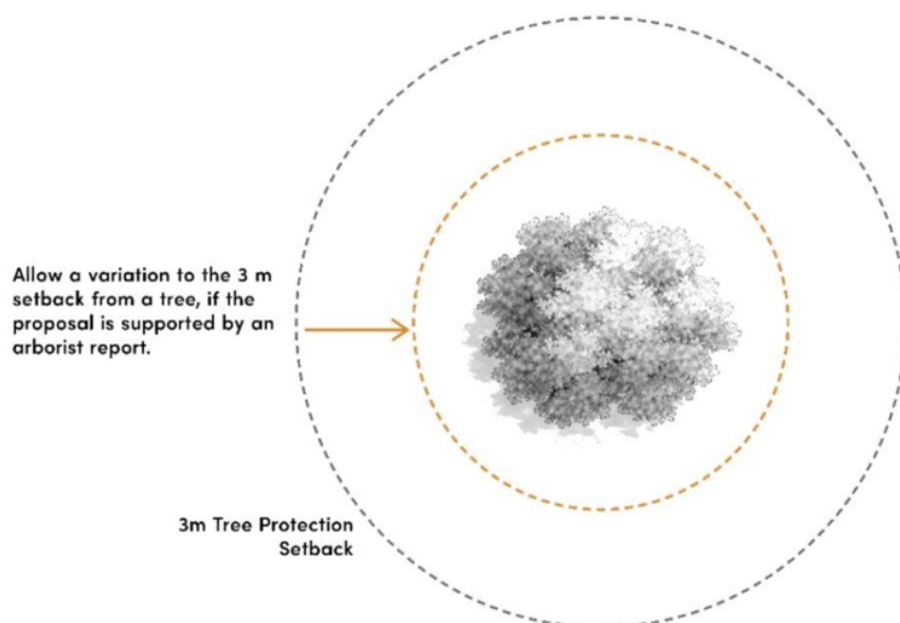


Figure 29: Variation to the setback from a protected tree

Table 14: Proposed variations for trees on the lot or on adjoining lots

Relevant code and clauses of the Codes SEPP	Current controls	Proposed variations
Housing Code – cl 3.33(2) Rural Housing Code – cl 3A.24A(1) Low Rise Housing Diversity Code – cl 3B.61(2) Greenfield Housing Code – cl 3C.36(2) Inland Code – cl 3D.64(2)	Currently complying development must be setback at least 3 m from each protected tree on the lot and on an adjoining lot.	Allow a variation to the 3 m setback from a tree on the lot or a neighbouring lot if the proposal is supported by an arborist report.

Information requirements to support application for variations for tree protection

The application should be supported by an arborist report prepared by an AQF level 5 arborist, which determines the Notional Root Zone, the Structural Root Zone and an appropriate setback from the tree trunk in accordance with AS490:2025. The plans must also demonstrate compliance with the setback standards identified in this report.

5 Other changes to the Codes SEPP

In 2025, a package of proposed amendments to the Codes SEPP was developed in response to suggestions from industry, councils and the community. The proposed amendments aimed to expand opportunities for complying development or make existing standards easier to apply.

The Department consulted on the proposed amendments with the Complying Development Expert Panel (CDEP) and local councils to help investigate the issues and develop appropriate policy solutions. The panel is a cross-sector expert advisory body to the Department that informs the development of NSW Government policy and initiatives relevant to exempt and complying development.

Several amendments to the Codes SEPP were considered and investigated, including:

- expanding low-impact remedial works as complying development,
- expanding complying development on bushfire and flood control lots where appropriate,
- changes to setbacks for complying development – including primary road setbacks and internal separation between two detached dual occupancies,
- expanding complying development for sloping sites, modern designs and garages,
- simplifying balcony and privacy screen requirements, and
- permitting above-ground rainwater tanks closer to the lot side boundary.

The Department refined the proposed amendments in response to the feedback received during this early consultation. The Department is now seeking feedback from the wider community and stakeholders on the proposed changes to the Codes SEPP.

5.1 Summary of the other changes to the Codes SEPP being considered

The following changes are proposed to the Codes SEPP, with additional detail provided in the sections below.

1. Expanding low-impact remedial works as complying development:
 - Expand complying development for external remediation works to apartments and multi-dwelling housing, including buildings above 3 storeys and within 3 m of side and rear boundaries.
 - Also proposing a small tolerance to enable remedial works on building façades and balconies, as complying development.
2. Complying development on bushfire prone land and flood control lots:
 - Enable demolition on bushfire prone land outside periods of Total Fire Ban.
 - Allow for minor internal alterations on flood control lots, as complying development.

3. Appropriate setbacks for complying development:
 - Align primary road front setbacks to one of the nearest dwellings within 40 m for detached dwellings, manor houses, dual occupancies and attached development in the Housing Code and Low Rise Housing Diversity Code.
 - Reduce the internal separation between dwellings in detached dual occupancies from 3 m to 1.8 m under the Low Rise Housing Diversity Code.
 4. Expanding complying development for sloping sites, modern designs and garages:
 - Allow front façade parapet walls up to 1 m above the gutter line under the Greenfield Housing Code.
 - Measure the 3.3 m height limit of a garage wall from the finished floor level and not the existing ground level, to enable complying development of garages on sloping sites under the Housing Code.
 - Remove the size restriction of 18 m² for attached garages accessed from a rear lane or parallel road under the Greenfield Housing Code.
 - Include detached double garages for lots accessed from a rear lane or parallel road under the Greenfield Housing Code.
 5. Simplifying balcony and privacy screen requirements:
 - Exclude privacy screen requirements on balcony edges that face a public road or a public open space under the Housing Code, Rural Housing Code, Greenfield Housing Code and the Inland Code.
 - Remove development standards relating to the floor level of a balcony, deck, patio, terrace or verandah as this is determined by the National Construction Code (NCC).
 6. Above-ground rainwater tanks: Allow above-ground rainwater tanks to be closer than 450 mm from the side boundary for detached dwellings where the tank height is 1.8 m or less.
-

5.2 Expanding low-impact remedial works as complying development

Currently, common external full building remedial works, such as balustrade replacements, waterproofing, and fire safety upgrades cannot be undertaken as complying development for residential apartment buildings under the Codes SEPP. The remedial building industry has advised this is preventing straightforward remedial works and restricting time-sensitive repairs required to address issues with multi-storey residential buildings.

It is proposed to enable external remedial works to Part 4 of the Housing Alterations Code, Division 1, Subdivision 2A: External alterations to residential accommodation other than dwelling houses and ancillary development. This would enable straightforward and low-impact remedial works as complying development for residential apartment buildings and other multi-dwelling housing.

Table 15: Proposed changes to expand low-impact remedial works under Part 4 – Housing Alterations Code

Relevant code and clauses of the Codes SEPP	Current controls	Proposed changes to Codes SEPP
<p>Housing Alterations Code - Subdivision 2A - cl 4.4B</p>	<p>External alterations must be set back at least 3 m from a side or rear boundary.</p> <p>External alterations must be behind the building line of any primary or secondary road frontage.</p> <p>External alterations are limited to the first three storeys of a building.</p>	<p>Include remedial works as additional works permitted under clause 4.4B to enable genuine remedial or safety-critical works without a DA, where the works:</p> <ul style="list-style-type: none"> • are low-impact (like-for-like), • do not increase building bulk or encroach further into setbacks, • do not add new elements such as balconies, and • restore compliance with the National Construction Code (NCC) and building safety. <p>Allowances for compliant building remediation works:</p> <ul style="list-style-type: none"> • Full building remediation (noting current prohibitions on alterations over three storeys). • Allow up to a 100 mm tolerance to allow like-for-like cladding and waterproofing systems to meet NCC performance without triggering non-compliance. • Within 3 m of any side or rear boundary (currently alterations are not permitted within 3 m). • At any primary or secondary road frontage (currently alterations must be behind the building line of any primary or secondary road frontage).

Tell us what you think

- Will these changes allow low-impact remediation work as streamlined complying development?
- Are additional development standards required and is there anything else that needs to be considered?

5.3 Complying development on bushfire-prone land and flood control lots

Currently, complying development is not permitted on land classified as Bushfire Attack Level 40 (BAL-40) or the Flame Zone (BAL-FZ). As a result, demolition of a building on land classified as BAL-40 or BAL-FZ requires a development application (DA), even where the works pose minimal safety risk or would remove existing structures from hazardous areas and reduce bushfire fuel loads. It is therefore proposed to extend complying development to allow demolition on bushfire-prone land.

Flood related controls in the Codes SEPP currently prevent complying development on flood-affected land (flood control lots). Whilst the existing restrictions on new dwellings on these lots would be retained, it is proposed to allow minor internal alterations of flood control lots where certain conditions are met.

These proposed changes aim to reduce unnecessary regulation while supporting safe, low-impact works where potential risks can be effectively managed through clear standards and conditions.

Table 16: Proposed changes to introduce demolition to bush fire prone land and minor works to flood control lots

Relevant code and clauses of the Codes SEPP	Current controls	Proposed changes to Codes SEPP
cl 1.19A(1) & Part 7 Demolition Code	Demolition as complying development currently cannot be carried out on bushfire-prone land, being land classified as bushfire attack level 40 (BAL-40) or the flame zone (BAL-FZ).	It is proposed to permit demolition as complying development on land classified as BAL-40 or BAL-FZ, provided that demolition works are not carried out on days when a Total Fire Ban is declared.
Housing Code - cl 3.5(2)	Under clause 3.5(2)(e-g), minor alterations to buildings are not permitted as complying development if any part of the building is located on a flood control lot.	It is proposed to allow minor internal alterations on flood control lots as complying development, provided the works: <ul style="list-style-type: none"> • do not increase habitable floor area, • do not add or modify parking arrangements, • do not alter access arrangements, and • do not change the floor level or existing footprint of the building.

Tell us what you think

- Will these changes allow demolition on bushfire prone land and complying development on flood prone land where appropriate?
- Are additional development standards required and is there anything else that needs to be considered?

5.4 Appropriate setbacks for complying development

5.4.1 Primary road setbacks

Stakeholders have advised that the current method for calculating front setbacks, by averaging the two nearest dwellings within 40 m, can be skewed by outlier setbacks. This can result in larger building setbacks being required, meaning some development that would otherwise be straightforward must go through a longer and more complex approval process.

To address this issue, it is proposed to amend the Housing Code and Low Rise Housing Diversity Code for dwellings, dual occupancies and manor homes that new development can adopt the setback of one of the two nearest dwellings within 40 m on the same side of the road. This approach reduces the impact of outliers, limits reliance on the default setback provisions where there are few neighbouring dwellings and retains existing exclusions to ensure only relevant properties inform the setback calculation.

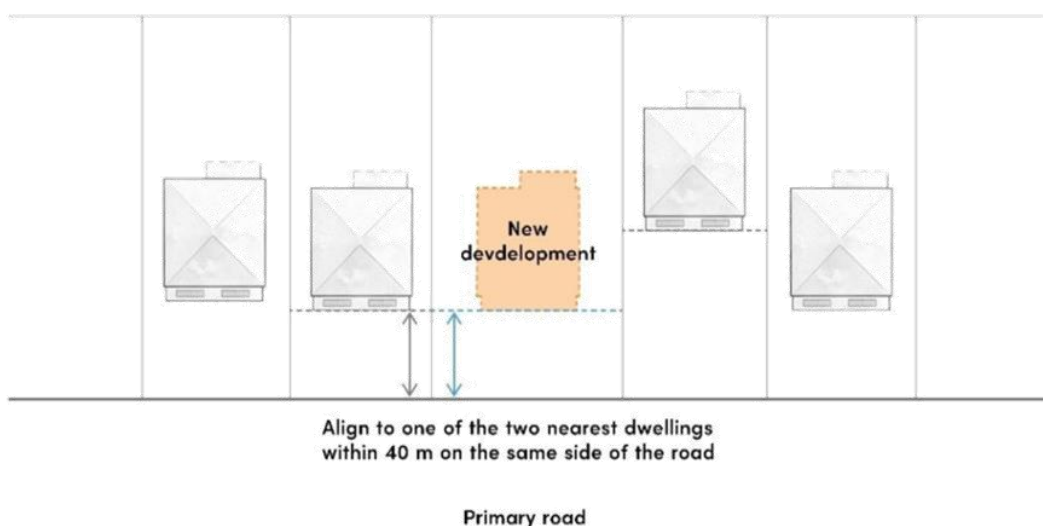


Figure 30: Align to one of the two nearest dwellings to determine the primary road setback

5.4.2 Internal separation between detached dual occupancies

Detached dual occupancies are currently required to provide a minimum separation of 3 m between the dwellings. Stakeholder feedback has indicated that this requirement can be more onerous than the side setback requirements to adjoining properties. For example, on lots between 12-24 m wide, a ground floor setback of only 900 mm is required to each side boundary.

It is proposed that the minimum internal separation between detached dual occupancies under the Low Rise Housing Diversity Code be reduced to 1.8 m, subject to development standards. This would better align internal separation with existing side setback controls while still enabling future subdivision and maintaining appropriate fire safety and building separation outcomes.

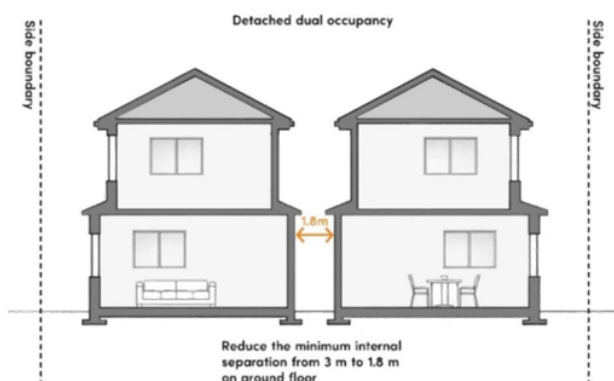


Figure 31: Reduce the minimum internal separation of detached dual occupancies from 3 m to 1.8 m

Table 17: Proposed changes to setbacks

Relevant code and clauses of the Codes SEPP	Current controls	Proposed changes to Codes SEPP
Primary Road Setbacks (Housing Code and Low Rise Housing Diversity Code)		
Housing Code - cl 3.10(1) Low Rise Housing Diversity Code - cl 3B.11(1), 3B.24(1)	The minimum front setback from a primary road is determined by the average setback of the two nearest dwellings on the same road. If there are not two dwellings within 40 m of the lot, required setbacks are provided in a table based on lot size.	It is proposed to align new development to one of the two nearest dwellings within 40 m on the same side of the road. The existing default primary road setback under clause 3.10(3) would be retained where there are no dwellings within 40 m on the same side of the road, or where the development involves lot types such as battle-axe lots or secondary dwellings. It is recommended to adopt this approach for detached dwelling houses and all similar housing types, including certain dual occupancies and attached development and for manor houses, dual occupancies and any attached development in the Low Rise Housing Diversity Code.
Internal separation between detached dual occupancies (Low Rise Housing Diversity Code)		
Low Rise Housing Diversity Code - cl 3B.13(3)	The dwellings in a dual occupancy (detached) must be located at least 3 m apart.	It is proposed to reduce the separation between dwellings in detached dual occupancies to 1.8 m and introduce the following development standards: <ul style="list-style-type: none"> principal private open space must be located behind the front building line, and

Relevant code and clauses of the Codes SEPP	Current controls	Proposed changes to Codes SEPP
		<ul style="list-style-type: none"> any second storey must be recessed, consistent with the controls applying to dwelling houses.
<p>Codes not included: Existing primary road setbacks for the Rural Housing Code, multi-dwelling housing within the Low Rise Housing Diversity Code, Greenfield Housing Code and Inland Code are recommended to be retained, however these setbacks may be varied as outlined in the section above where council assesses the variation against established street setback or DCP controls.</p>		

Tell us what you think

- Will these setback changes facilitate appropriate housing as complying development, while mitigating potential impacts?
- Are additional development standards required and is there anything else that needs to be considered?

5.5 Complying development for sloping sites, modern designs and garages

5.5.1 Front façade parapets to garages

Stakeholders have advised that the current 3.3 m wall height limit for attached garages under the Greenfield Housing Code can unintentionally restrict street facing design features. It is proposed to allow greater flexibility for architectural features, such as front parapets, to better integrate garages into contemporary building designs. An increase of up to 1 m above the gutter line at the front, with a parapet return of up to 500 mm along the side wall, is considered appropriate to avoid visual dominance. Existing wall height limits on side and rear boundaries would be retained to protect neighbouring amenity.

5.5.2 Garages over a drop edge beam

The Greenfield Housing Code allows higher garage walls on sloping sites by measuring the 3.3 m wall limit from the finished floor level, rather than the existing ground level, where a drop edge beam is used. This approach applies to lots wider than 8 m at the building line and reflects standard construction practice on sloping land.

In contrast, the Housing Code measures the height from the existing ground level, which can result in otherwise suitable designs deemed non-compliant. It is proposed the Housing Code align with the Greenfield Housing Code by measuring the 3.3 m wall height limit from the finished floor level to better accommodate sloping sites.

5.5.3 Remove garage size limits for attached garages accessed from the rear

The Greenfield Housing Code currently limits the floor area of attached rear garages within 6 m of a side or rear boundary to a maximum of 18 m². Feedback provided notes that this size limit is unnecessarily restrictive as rear access garages have a minimal impact on the primary streetscape and can accommodate larger double garages without compromising design quality.

It is proposed that the garage size limit be removed for garages accessed exclusively from the rear, while introducing a maximum width of garage doors of 6 m to manage built form outcomes. Existing setback, wall height, landscaping and gross floor area development standards would remain unchanged.

5.5.4 Allow detached garages for lots accessed from a rear lane

Clause 3C.26 of the Greenfield Housing Code sets maximum garage door widths for detached garages and carports facing primary, secondary and parallel roads, but does not expressly provide development standards for detached garages accessed from rear lanes. Stakeholders have advised that this absence of specific provisions has created uncertainty and led to overly restrictive outcomes for lots that rely solely on rear lane access.

To address this, it is proposed a new provision be introduced under clause 3C.26 that applies specifically to detached garages accessed exclusively from a rear lane or parallel road. The proposed provision would allow a maximum garage door opening of 6 m for lots with a minimum width of 11 m at the building line. Existing garage door width limits would continue to apply to detached garages facing primary or secondary roads. The amendment aims to improve clarity and consistency, explicitly recognise rear lane access garages, and support functional garage design on suitably sized lots.

Table 18: Proposed changes to support development on sloping sites, modern designs and garages

Relevant code and clauses	Current controls	Proposed changes to Codes SEPP
Front facade parapets to garages (Greenfield Housing Code)		
Greenfield Housing Code - cl 3C.13(8)	A wall of an attached garage that is within 900 mm of a boundary must not exceed 3.3 m above the finished floor level of the garage for more than 6.5 m along the boundary.	It is proposed to amend clause 3C.13(8) so that the 3.3 m height limit applies only to side and rear garage walls located within 900 mm of a boundary. Street facing garage elevations would be permitted to incorporate parapet designs that exceed 3.3 m, provided the parapet does not extend more than 1 m above the gutter line of a single-storey garage and includes a side return of no more than 500 mm along the side wall. All other wall height and setback development standards would continue to apply.

Relevant code and clauses	Current controls	Proposed changes to Codes SEPP
Garages over a drop beam edge (Housing Code)		
Housing Code - cl 3.23	The Housing Code measures the 3.3 m height from the existing ground level, rather than from the finished floor level.	<p>It is proposed to amend the Housing Code to allow a garage wall height of up to 3.3 m above the finished floor level when the garage is built over a drop edge beam. The following development standards are proposed:</p> <ul style="list-style-type: none"> • The depth of fill beneath the garage would be limited to 1.5 m. • Where a garage wall is located within 900 mm of a boundary, the length of that boundary wall would be limited to 6.5 m.
Remove garage size limits for attached garages accessed from the rear (Greenfield Housing Code)		
Greenfield Housing Code – cl 3C.13(5)	An 18 m ² total floor area limit currently applies to all attached rear garages that are within 6 m of a side or rear boundary. Attached garages on corner lots are excluded from this floor area limit.	<p>It is proposed to remove the current 18 m² garage size limit in the Greenfield Housing Code for attached garages where the garage is accessed exclusively from a parallel road or rear lane and where the garage doors face the rear. A maximum garage door width of 6 m would be introduced.</p> <p>All existing development standards relating to setbacks, wall heights, landscaping and gross floor area would continue to apply.</p>
Allow detached double garages for lots accessed from a rear lane (Greenfield Housing Code)		
Greenfield Housing Code – cl 3C.26(10)	Clause 3C.26 of the Greenfield Housing Code sets maximum garage door widths for detached garages and carports that face primary, secondary and parallel roads, but it does not expressly include or provide a maximum garage door width for lots that are accessed from rear lanes.	<p>It is proposed to add a new provision to clause 3C.26 for detached garages accessed exclusively from a rear lane or rear parallel road. The provision would allow a maximum garage door opening width of 6 m, where:</p> <ul style="list-style-type: none"> • vehicular access is obtained solely from the rear lane or rear parallel road, and • the lot has a minimum width of 11 m, measured at the building line.

5.6 Simplifying balcony and privacy screen requirements

Clause 3B.17(4)(b) of the Low Rise Housing Diversity Code provides that privacy screens are not required on balcony edges that face a road or a public space. This provision is not currently reflected in other codes. Privacy screens are intended to prevent overlooking of private spaces and requiring privacy screens on balcony edges that face a road or public space serves no practical purpose.

It is therefore proposed to align the Housing Code, Rural Housing Code and the Greenfield Housing Code with the Low Rise Housing Diversity Code by removing the requirement for privacy screens on balcony edges facing a road or a public space.

It is also proposed to delete the requirement that the external floor level of a balcony, deck, patio, terrace or verandah must be at the same level as the internal floor level, as floor level requirements are already addressed through the National Construction Code (NCC).

Table 19: Proposed changes to balcony screen requirements and floor levels

Relevant code and clauses of the Codes SEPP	Current controls	Proposed changes to Codes SEPP
Housing Code - cl 3.15(3) Rural Housing Code - cl 3A.23(5) Greenfield Housing Code - cl 3C.18(3) Inland Code - cl 3D.26(3)	Currently, privacy screens are required on the edge of a balcony that faces a side or rear road or a public space in the Housing Code, Rural Housing Code, Greenfield Housing Code and Inland Code.	It is proposed that privacy screens are not required on the edge of a balcony that faces a road or a public space.
Low Rise Housing Diversity Code - cl 3B.14(1A), 3B.26(1A), 3B.39(1A)	The floor level of a balcony, deck, patio, terrace or verandah must be the same level as the internal floor level of the part of the [dual occupancy, manor house or multi dwelling housing (terraces)] to which it is attached.	It is proposed to delete the requirement that the external and internal floor levels of a balcony, deck, patio, terrace or verandah must be at the same level, as floor level requirements are appropriately regulated through the National Construction Code.

Tell us what you think

- Will these changes to balcony privacy screen requirements simplify requirements while maintaining neighbouring privacy?
- Are additional development standards required and is there anything else that needs to be considered?

5.7 Above-ground rainwater tanks

Under the current controls, complying development requires a minimum side setback of 450 mm for above-ground rainwater tanks, which is more restrictive than exempt development, where no minimum setback applies for tanks under 1.8 m in height. Stakeholders have advised that this is overly limiting and that potential amenity impacts can be effectively managed and mitigated through appropriate development standards under the complying development pathway.

It is therefore proposed to allow above-ground rainwater tanks for detached dwellings, up to 1.8 m in height, to be located closer than 450 mm to a side boundary under the complying development pathway, subject to relevant development standards.

No additional standards are proposed for rainwater tanks located more than 450 mm from a side boundary, as this would introduce new requirements beyond what is currently permissible.

Table 20: Proposed changes to above ground rainwater tanks

Relevant code and clauses of the Codes SEPP	Current controls	Proposed changes to Codes SEPP
Housing Code – cl 3.11(2), 3.26(2) Greenfield Housing Code – cl 3C.12(2) Inland Code – cl 3D.14(2)	The minimum side setback for above-ground rainwater tanks under complying development is 450 mm.	It is proposed to allow above-ground rainwater tanks up to 1.8 m in height to be located closer than 450 mm to the side boundary, whilst introducing the following development standards: <ul style="list-style-type: none"> • Where a tank is located within 450 mm of a side boundary, development standards will be introduced that are consistent with the existing exempt development standards in clause 2.64. • Access and safety would be maintained by requiring clear side access on at least one side of the dwelling to ensure pedestrian movement, maintenance and emergency services can be accommodated between the most distant external part of the dwelling and the nearest public road. Existing standards would continue to apply to rainwater tanks that exceed 1.8 m in height or are located more than 450 mm from a side boundary, with no additional development standards proposed.

Codes not included: As reliable side access cannot be ensured for attached dwelling types, this amendment is recommended to apply only to detached dwellings. It is also proposed to exclude the Rural Housing Code (3A.19(c)), which requires above-ground rainwater tanks to be located at least 10 m from each lot boundary on land in zones RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4.

Tell us what you think

- Will these changes encourage the uptake of above ground rainwater tanks without unintended consequences such as on the streetscape?
- Are additional development standards required and is there anything else that needs to be considered?

6 Have your say

The Department of Planning, Housing and Infrastructure welcomes community and stakeholder feedback on this EIE.

Your feedback will help us better understand the views of the community and stakeholders and will inform the proposals discussed in this document. Your submission may address the issues raised in this document or you may give more input about the changes we propose.

The Department will recommend final planning changes to the Minister for Planning and Public Spaces for the final decision.

Tell us what you think

We welcome your feedback on the changes. To have your say complete the online survey feedback form or upload a submission by 24 June 2026.

If you have questions about the EIE and any of the changes proposed, please email cdcvariations@dphi.nsw.gov.au.

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Department of Planning, Housing and Infrastructure

Low-rise housing reforms and targeted assessment

Discussion Paper

May 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Low-rise housing reforms and targeted assessment

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1 Purpose of this discussion paper

1.1 Introduction

In November 2025, the NSW Government passed the *Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025* (PSR Act). The PSR Act was introduced to respond directly to the criticism that the NSW planning system is often too cumbersome and inflexible to respond to contemporary planning challenges. The reforms represent a significant update to the structure and operation of the NSW planning system. They introduce new mechanisms aimed at making the planning system faster, fairer and modern by improving coordination, streamlining assessment pathways, and aligning planning processes with broader strategic objectives.

The passing of the reforms introduced a new targeted assessment pathway designed to bridge the gap between complying development and a full development application. This allows us to reconsider the way low impact development is assessed in the planning system and move to a model that places greater emphasis on up-front strategic planning and well-designed codes and rules, while reducing regulatory burden at the development assessment stage.

Under the National Housing Accord, the NSW Government has committed to deliver 377,000 new well-located homes across the state by 2029. Meeting this commitment, and addressing longer-term housing availability and affordability challenges, not only requires an increase in housing supply but a planning system that is efficient, predictable and outcomes-focused.

Improving the assessment and regulation of low-rise housing will be a critical component of this task. Low-rise housing accounts for approximately 50% of all development applications processed through the NSW planning system, making it a significant opportunity to support housing delivery through a more streamlined and risk-based pathway.

Accordingly, this discussion paper explores opportunities for low-rise housing assessment in NSW that are enabled by targeted assessment and the PSR Act. It includes a critical analysis of how existing planning pathways operate and considers how the system can be reformed to be simpler, deliver more consistent outcomes, and ensure that assessment processes are proportionate to the typically low-impact and low-risk nature of low-rise housing development.

1.2 What is a ‘code’?

This discussion paper explores the use of codes for targeted assessment and low-rise housing. A code is a form-based set of rules that guide how land and buildings can be developed. Codes aim to create clear and consistent expectations so communities, councils and developers understand what can be built and how development should relate to its surroundings.

A code focuses on the shape and design of buildings, rather than on what is or isn't allowed on a site. It considers how buildings meet the street, how they are arranged on a lot and what size they can be, amongst other considerations.

Codes are legal instruments, not guidelines. When a code is adopted, it becomes part of (or replaces) the planning rules that apply to an area. This can help to streamline development assessment and approvals by setting clear, consistent expectations upfront.

Codes are currently used in the NSW Planning System for exempt and complying development, most notably through *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP). For example, the Greenfield Housing Code sets out rules and numerical standards for new housing in Greenfield areas which dictate the building envelope and other requirements. If all the standards are met, then work can be carried out as complying development. The use of codes in NSW is largely numerical, so strict compliance with every standard is necessary to qualify for the pathways.

Codes, however, are not limited to numerical standards. They can also contain non-numerical elements, such as objectives, which provide more flexibility by allowing impacts to be assessed against clear outcomes rather than relying solely on prescriptive controls.

This discussion paper explores a broader use of codes in NSW. In particular, it considers how codes could be applied to support the new targeted assessment pathway alongside exempt and complying development, and how they would include non-numerical, merit-based considerations.

1.3 Getting involved

Delivering the best outcomes for the community and the environment requires input from all users of the planning system including councils, the development industry, planning professionals and the wider community. Stakeholder and community feedback will play a critical role in informing the development of reforms outlined in this discussion paper.

Get involved by visiting <https://www.planningportal.nsw.gov.au/low-rise-housing-and-targeted-assessment-discussion-paper> and provide your feedback by 24 June 2026.

This Discussion Paper is not an Explanation of Intended Effect (EIE). Before development can be eligible for targeted assessment, an EIE must be exhibited. Feedback on this Discussion Paper will inform any future EIE.



2 Introduction to targeted assessment

2.1 What is targeted assessment?

The PSR Act introduces a range of planning reforms aimed at modernising and streamlining the NSW planning system. One of the most significant reforms is the introduction of a new targeted assessment pathway.

Targeted assessment is a flexible, streamlined development application (DA) pathway for development that has undergone detailed assessment at a strategic level. Under this approach, key planning issues are addressed through strategic planning processes, with any residual issues managed through detailed controls and specific merit considerations.

The pathway is intended to facilitate the assessment of development proposals that fall outside the scope of complying development, yet are of a nature and scale that does not warrant a full merit assessment under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It could apply to a class of development (e.g. a specific land use) or development in a particular location such as a precinct or strategic growth area. Targeted assessment is intended to capture the middle ground between complying development and a full DA, saving time and resources for applicants and consent authorities. **Figure 1** demonstrates indicative timeframes for each pathway.



Figure 1: Assessment pathways and indicative timeframes

Certain types of development may not be suitable for complying development due to site constraints, the scale of the development, locational factors or where more qualitative merit assessment is required to achieve good planning outcomes.

At the same time, full merit assessment (along with all the other requirements of the DA process) may be disproportionate to the impacts of development, particularly where impacts have been considered at the strategic level or can be mitigated through specific development controls.

This discussion paper proposes a targeted assessment pathway for certain types of low impact, low-rise housing in locations where risk is low or can be mitigated through appropriate controls. This pathway would have a target determination time of 50 days, half the existing average for low-rise housing.

The main difference between a full DA pathway and the targeted assessment pathway is that certain matters are switched off for targeted assessment. Otherwise, applications for targeted assessment are still subject to the usual DA processes and requirements including the need to prepare a Statement of Environmental Effects (SEE) or Environmental Impact Statement (EIS), undertake statutory referrals and concurrences, address the requirements of relevant Local Environmental Plans (LEPs), State Environmental Planning Policies (SEPPs) and applicable legislation such as the *Biodiversity Conservation Act 2016* (NSW).

2.2 Legislative framework for targeted assessment

Targeted assessment development is established in Division 4.3A of the EP&A Act, which commenced on 21 March 2026. Division 4.3A sets out the process for and limitations on declaring development eligible for targeted assessment.

Once a development or class of development is declared eligible for targeted assessment, streamlined assessment provisions are enlivened for any subsequent DA.

An explanation of the provisions related to targeted assessment is set out in **Table 1**.

Table 1: Explanation of targeted assessment provisions

Provision of the EP&A Act	Effect of provision	Further explanation
s.4.20A(1)	Allows a State Environmental Planning Policy (SEPP) to declare development or a class of development as targeted assessment development.	This can apply to a type of development or development in a particular location.
s.4.20A(2)	Allows the SEPP to specify criteria that development or a class of development must meet to be targeted assessment development.	This criteria could be locational or design related and/or place limitations on the types of development that are covered by the declaration.
s.4.20A(3)	Requires an explanation of intended effect (EIE) to be publicised for 28 days and submissions sought and considered before the SEPP can be made.	This allows the community to have a say before any declaration is made.
s.4.20A(4)	Clarifies that a development can be both targeted assessment development and another type of development.	For example, development could be both targeted assessment development and integrated development.

Provision of the EP&A Act	Effect of provision	Further explanation
s. 4.20A(5)	Excludes designated development or state significant development that would otherwise be designated development from being declared targeted assessment development.	This prevents high-impact development, which requires rigorous environmental impact assessment, from being eligible for targeted assessment.
s.4.20B	Confirms that the provisions of targeted assessment prevail over other provisions in the EP&A Act, including for other development types, if there is any inconsistency.	This means that the targeted assessment provisions will apply if another provision of the EP&A Act is inconsistent with them (e.g. exhibition requirements).
s. 4.15 (1C) and (1D)	Requires that the consent authority only consider the matters in s4.15(1)(a) and (d) when assessing a DA for targeted assessment.	This provision excludes the consideration of broader planning matters including the likely impacts of the development, the suitability of the site and the public interest on the basis that these matters are captured and dealt with upfront in a SEPP.
Clause 9C of Schedule 1	Allows a SEPP to set out the exhibition and re-exhibition requirements for targeted assessment development, including that there can be no exhibition. If the SEPP does not set out exhibition or re-exhibition requirements, a default 14-day exhibition period applies.	In certain circumstances, public exhibition of targeted assessment development may not be warranted. This provision allows development specific requirements to be set out in a SEPP rather than a Community Participation Plan (CPP). The statewide CPP may also be updated to set out broader exhibition requirements for targeted assessment.

2.3 Guiding principles for targeted assessment

The principles in Table 2 have been developed to guide the use of the targeted assessment pathway. These aim to provide greater certainty to the community about the types of development that may or may not be suitable for targeted assessment and ensure that it is used in a way that does not overcomplicate the planning system.

Table 2: Guiding principles for targeted assessment

Principle	Further explanation
Targeted assessment should be used to simplify the planning system, not add additional layers of complexity.	<ul style="list-style-type: none"> Where possible, a targeted assessment pathway should not create additional layers of development control but should consolidate or replace existing controls.
Development should only be targeted assessment if it is low-medium risk and/or low-medium scale.	<ul style="list-style-type: none"> Larger scale development with high-risk or complex unresolved site constraints is not appropriate for targeted assessment and should be subject to a full merit assessment. Larger scale development is only appropriate for targeted assessment on less constrained sites. Low-mid scale development may be appropriate for targeted assessment where some site constraints are present. Simple development that could utilise exempt or complying development pathways is also not appropriate for targeted assessment.
Impacts should generally be understood and either resolved at the strategic level or addressed in the detailed controls, specific merit considerations and any standard or model conditions that will apply to the development.	<p>The following are not appropriate for targeted assessment development:</p> <ul style="list-style-type: none"> rezonings of sites or precincts where important assessment issues have been deferred to the DA stage or where limited public consultation has occurred. complex development types where the possible range of design responses vary significantly from site to site. development on certain hazardous or highly constrained sites.
Targeted assessment is best suited to specific development types/uses (e.g. housing, commercial or industrial uses) rather than for specific locations (e.g. a precinct or area) except in limited circumstances.	<p>Targeted assessment for a precinct/area will not be appropriate where:</p> <ul style="list-style-type: none"> it only relates to one site or a small area a wide range of uses are permitted on any given site the area/precinct has already been rezoned - a declaration of targeted assessment should occur at the same time as any rezoning to ensure the community is aware of the implications early. <p>Targeted assessment for a precinct/area may be appropriate where:</p> <ul style="list-style-type: none"> the precinct or area is of a significant scale (e.g. a large master planned area) the development of the precinct/area is identified as a state priority in a strategic plan.

What do you think?
 Are the guiding principles appropriate? What changes would you suggest?

2.4 Opportunities for targeted assessment

Although targeted assessment could be used widely across the planning system, low-rise housing is considered the most suitable starting point.

Of all development types, low-rise housing should be the most accessible and straightforward for the general public to navigate. Building or modifying a home is something many people will need to do at some point, and the planning system should support them to do so with clarity and confidence. Streamlining the pathways and controls that apply to low-rise housing offers a chance to make the system more intuitive, more consistent and more responsive to community needs.

Low-rise housing development accounts for more than 50% of all DAs, with more than 30% relating specifically to dwelling houses (refer to Figure 2). Because it represents such a significant portion of the planning system's workload, improving assessment pathways for low-rise housing has the potential to deliver substantial efficiencies and benefits. It is also central to addressing the housing challenge, with low-rise housing being a sought-after housing typology and the key to housing delivery where higher density development is not appropriate.

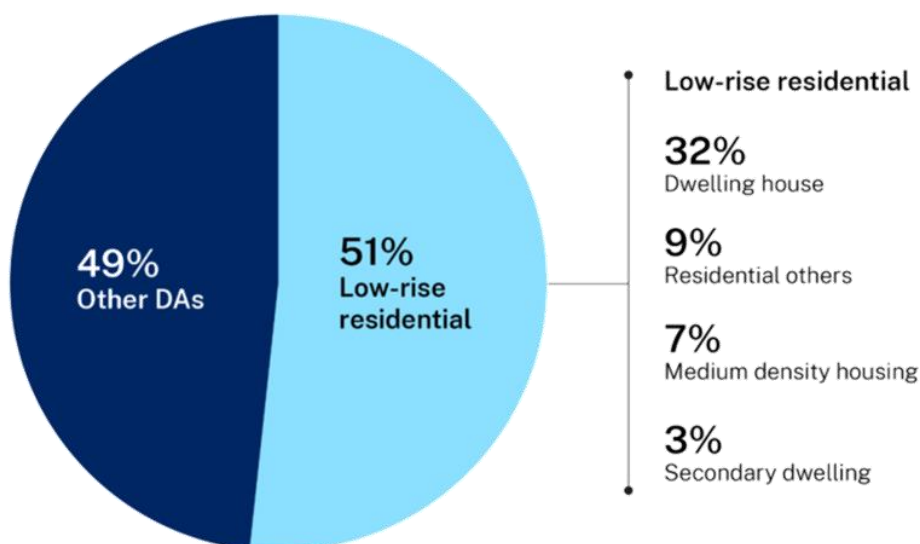


Figure 2: Low-rise housing share of DAs (2021-2025)

Low-rise housing is typically low-risk and can be effectively managed through relatively standard approaches to codes and controls. This makes it well suited to piloting the new pathway.

This broader opportunity, and how it aligns with a new targeted assessment pathway, is explored in the remainder of this discussion paper.

3 The existing state of low-rise housing

3.1 Low-rise housing in NSW

Low-rise housing comprises the majority of housing stock in NSW and includes a range of housing types including single dwellings, dual occupancies, terraces, town houses and manor houses. This form of housing is generally one or two storeys, sometimes incorporating a habitable roof space. Low-rise housing is typically permitted in residential zones but can also be permitted in certain conservation and rural zones. Permissibility varies from council to council.

Figure 3 shows the main forms of low-rise housing in the NSW planning system.



Figure 3: Low-rise housing typologies in the NSW planning system

Low-rise housing is currently assessed through the complying development pathway or a full DA, with very minor works being able to proceed as exempt development. The average timeframe for issuing a complying development certificate (CDC) for low rise housing in 2024-2025 was 29 days. By contrast, the average timeframe for determining a DA over the same period was 103 days¹. This significant difference in determination timeframes highlights the need for both the optimisation of the CDC pathway and the opportunity to deliver more timely assessments through a targeted assessment pathway.

3.2 What are the limitations or complexities associated with existing pathways?

Despite the relatively low-impact of low-rise housing, the planning controls and assessment pathways are among the most complex and variable of any form of development in NSW. The complexity arises at every stage of the process – from working out what the land use is, to whether its permissible, and to then navigating the different pathways and controls that apply.

While this complexity has evolved over time in response to policy objectives, it now presents a significant opportunity to simplify and improve how low-rise housing is navigated and assessed.

¹ Averaged across dwelling houses (77 days), medium density housing (132 days), secondary dwellings (94 days) and residential others (109 days)

3.2.1 Permissibility and definitions

3.2.1.1 Permissibility spread between Environmental Planning Instruments

The starting point for carrying out any development is whether the land use (e.g. a dwelling house), is permissible on the land. If the land use is not permissible, development consent cannot be granted. If it is permissible, a CDC application or DA may be lodged and assessed.

In most cases, permissibility for a particular use is found in the LEP that applies to the land. However, in some instances, additional or alternative permissibility is provided through SEPPs. For example, since 2018, development for the purposes of manor houses has been permitted by the Codes SEPP in certain residential zones where multi dwelling housing or residential flat building are permitted. Similarly, the various precincts SEPPs set out permissibility and other controls in specific locations such as the growth centres.²

More recently, changes to the Housing SEPP have expanded opportunities for housing by permitting certain uses, such as dual occupancies and multi dwelling housing, where they would otherwise be prohibited. The Housing SEPP does not take the traditional zone-based approach taken in LEPs but permits certain uses only in specified locations within a zone.

These changes enabled broader low-density housing choice in well located areas within the housing accord period. However, they have also resulted in a more complex and layered framework for determining permissibility.

For example, under the Ku-ring-gai LEP, dual occupancies are prohibited within the R2 Low Density Residential zone. However, under the Housing SEPP, dual occupancies are permitted in the zone as long as the land does not fall within one of the exclusions (e.g. bushfire prone land). This can lead to outcomes that are not immediately apparent from the LEP alone and may be challenging for users to interpret without careful reference to multiple instruments.

A broader look at how low-rise housing is treated in the NSW planning system presents a valuable opportunity to integrate SEPP based permissibility, including the low- and mid-rise reforms in the Housing SEPP, into LEPs in the longer-term. Doing so would help maintain the benefits of recent housing initiatives while making the system more transparent, consistent and easier to navigate for both the community and practitioners.

3.2.1.2 Inconsistent definitions

For several forms of low-rise housing, different definitions are included within SEPPs, Standard Instrument LEPs and DCPs. As a result, it is not always immediately clear what type of residential development is allowed on a site, which can make it challenging to understand the available assessment pathways.

Even a simple dwelling house is defined differently in the Standard Instrument LEP compared to the Codes SEPP. The Codes SEPP also contains various sub-types of Standard Instrument LEP definitions. This complexity is further compounded by the four precincts SEPPs, which includes

² State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021, State Environmental Planning Policy (Precincts – Central River City) 2021, State Environmental Planning Policy (Precincts – Western Parkland City) 2021, State Environmental Planning Policy (Precincts – Regional) 2021

many historical state-led rezonings and definitions that differ from both the Codes SEPP and Standard Instrument. Some of these inconsistencies are explored further in Appendix A.

Inconsistencies also extend to key terms used in controls such as “deep soil” and “existing ground level”. Addressing these inconsistencies would benefit low rise housing assessment and the system more broadly.

While these variances have developed over time in response to different policy needs and contexts, they can cause confusion and make it difficult to develop clear and consistent controls. Any effort to simplify and improve the system must therefore involve alignment of land use definitions and terms to create a consistent starting point for development control.

3.2.2 Complying development

Complying development is an important pathway for the delivery of low-rise housing, but has become increasingly complicated to navigate. This creates challenges for applicants, particularly those with a non-planning background, in establishing whether a complying pathway is available.

This leads to many applications being excluded because they may not strictly meet one development criterion, even where the proposal is otherwise materially consistent with the applicable standards. As a result, many proposals that are broadly consistent with the policy intent are diverted into the full DA pathway.

Reforms that allow certain complying development standards to be varied are currently on exhibition. These changes are an important initial step, however, a longer-term approach is needed to address the broader issues.

3.2.2.1 Complexity of complying development eligibility

A challenge early in the complying development process is determining whether a CDC pathway is available. Because complying development doesn't undergo merit assessment, eligibility is informed by an extensive set of exclusion criteria designed to ensure the pathway is only used where impacts can be managed. These criteria are numerous, live across multiple Environmental Planning Instruments (EPIs) and are contained within various sections of the Codes SEPP. They include constraint-based exclusions relating to heritage, zoning and hazards. In some cases, these exclusions rely on concepts that are not clearly defined or mapped and it can be challenging to work out whether these exclusions apply or not.

For example, land that is identified as a “buffer area” is excluded from complying development, yet the term is not defined or mapped within the Codes SEPP. Environmentally sensitive land is also excluded from the complying development pathway but is not mapped or applied consistently across LGAs. A summary of the eligibility considerations for the CDC pathways is provided in Appendix B.

Based on analysis of these requirements and exclusions, about 15% of residentially zoned land is unable to access a CDC pathway. When overlays like flooding, site slope and compliance with CDC standards are taken into consideration, a far greater proportion expected to be unable to access CDC. While many of these exclusions are appropriate and necessary, reform presents an opportunity to consider whether they all remain fit-for-purpose. Where complying development remains unsuitable, the targeted assessment pathway could be used to simplify the DA process in these locations. For example, approximately 25,000 lots are excluded due to acid sulfate soils, and another approximately 11,000 for aircraft noise.

3.2.2.2 Complexity of complying development standards

Once exclusion and eligibility criteria are satisfied, a development must meet all the relevant development standards to be eligible for a CDC.

Many of these standards are highly prescriptive or difficult to understand, while others do not give sufficient flexibility to achieve the best outcomes. Despite approximately 85% of residentially zoned land being eligible for the CDC pathway, more than 50% of DAs still relate to low-rise housing. This suggests that development standards are a significant barrier to the uptake of the pathway.

The ability to vary certain complying development standards enabled through the PSR Act will introduce some flexibility where a minor variation to a standard is required. But variations are not a substitute for ensuring base standards are clear and give rise to good planning outcomes.

3.2.2.3 Overlap between complying development codes

As it has evolved to incorporate more varieties of development over time, the Codes SEPP has become a challenge to navigate.

Depending on the location and nature of the proposal, an applicant may be able to access one of nine residential codes:

- Part 3 Housing Code
- Part 3A Rural Housing Code
- Part 3B Low Rise Housing Diversity Code
- Part 3BA Pattern Book Development Code
- Part 3C Greenfield Housing Code
- Part 3D Inland Code
- Part 4 Housing Alterations Code
- Part 6 Subdivisions Code
- Secondary dwellings code (Housing SEPP).

Additionally, there are 17 localised variations to these codes in the schedules of the Codes SEPP, for a total of 26 possible sets of applicable controls. Despite this variety of codes, many standards are shared between the codes. For example:

- The same height and gross floor area controls are shared across the Housing Code, Greenfield Housing Code and residential zones within the Inland Code.
- The same primary road setbacks and minimum landscaped area controls are shared between the Rural Housing Code and Inland Code.

Some differences, such as setback controls, reasonably account for differing contexts, locations and community expectations. However, the rationale for other differences is not always clear. For instance, the Inland Code and Rural Housing Code contain the same controls, but apply in different regions. This complexity creates an opportunity to consolidate existing codes, update development standards and reconsider eligibility criteria as part of a more streamlined and coherent framework for low-rise housing.

3.2.3 Development application pathways

3.2.3.1 Inconsistent and onerous local controls and assessment

If development does not meet the criteria for complying development, the only alternative pathway is a DA. Once in a DA pathway, the complying development standards are not relevant and different standards apply. Figure 4 highlights some of this complexity.

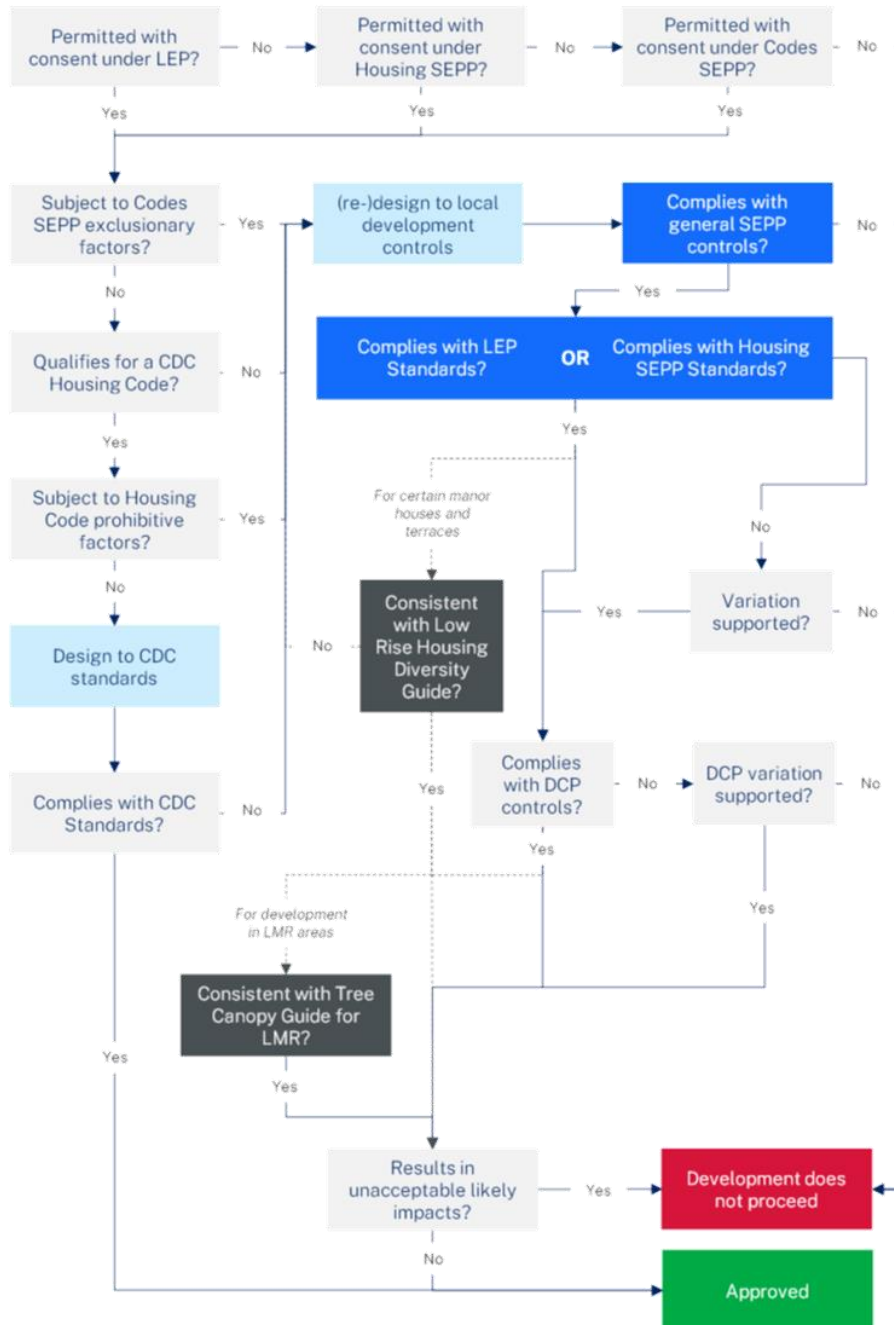


Figure 4: Existing CDC and DA process for low-rise housing

A major challenge with the current system is the inconsistency between statewide complying development codes and the local planning controls that apply to DAs. LEPs and Development Control Plans (DCPs) frequently apply different definitions, more restrictive or complex standards and additional or conflicting requirements. These controls, particularly those in DCPs, vary hugely between local government areas (LGAs), and even between areas within LGAs, leading to a piecemeal framework across the state.

Another layer of complexity arises from state policies like the Housing SEPP which override certain local controls and introduce another set of development standards. These controls are different to both the complying development standards and the local controls.

As a result, development that is unable to proceed as complying development may be subject to a wholly different regime of plans and policies.

The complexity of the system is reflected in the average determination time for all low-rise development over the last 5 years, which is 101 days, well above the timeframe that should be required for a simple form of development.

What do you think?

Does this capture the limitations of the current framework and key areas for reform? Are there other aspects of the system where we could make meaningful improvements?



Case Study: Inconsistent development controls

Willow Drive, Baulkham Hills

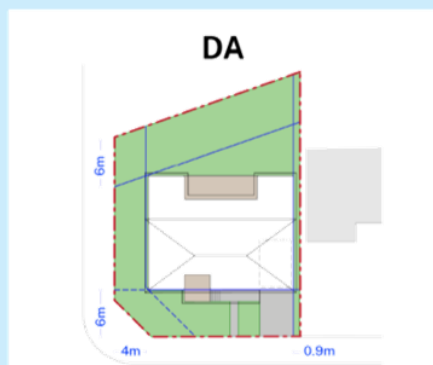
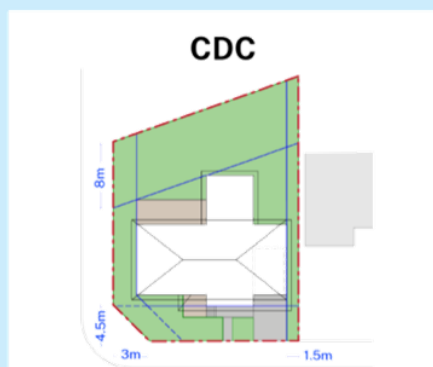


R2 Low Density Residential Zone

Lot Area: 696 sqm

Lot depth: 23.7 m

Control	CDC	DA
Maximum height of buildings	8.5 m	9 m (+0.5 m)
FSR / GFA	335 sqm	N/A
Front setback – primary road (ground)	4.5 m	6 m (+1.5 m)
Front setback – secondary road (ground)	1.5 m	4 m (+2.5 m)
Front setback – secondary road (first storey)	2.5 m	4 m (+2.5 m)
Side setback (ground)	1.5 m	0.9 m (-0.6 m)
Side setback (first storey)	2.5 m	0.9 m (-1.6 m)
Rear setback (ground)	3 m	4 m (+1 m)
Rear setback (first storey)	8 m	6 m (-2 m)
Private open space	24 sqm	139 sqm (+115 m)
Total landscaped area	209 sqm	278 sqm (+70 m)
Site coverage	N/A	417 sqm
Maximum building footprint	N/A	313 sqm
Minimum lot depth	N/A	27 m (lot fails – DCP variation required)



Key takeaways

- The DA pathway imposes significantly more restrictive and land-intensive controls overall, meaning it is not a simple or proportionate step beyond CDC.
- Once outside the CDC pathway, applicants face a fundamentally different control regime, including larger setbacks, substantially higher private open space and landscaping requirements, and additional controls that do not apply under CDC.
- The DA pathway requires a minimum lot depth beyond that available on the site – despite containing an existing dwelling and being zoned for residential.
- These differences demonstrates that the DA pathway does not operate as a simple fallback to CDC.

Case Study: Complex controls Manly DCP 2013



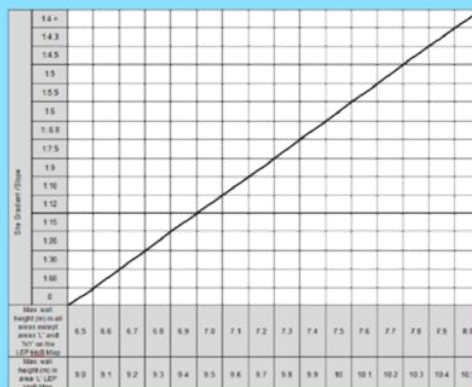
Wall height controls are set out in the Codes SEPP and many DCPs to manage visual amenity, safety, and consistency of built form. However, the way these controls are set out and specified varies considerably between the CDC pathway and some DCPs.

CDC Steps

1. Review section 3.10 which outlines applicable standards. A maximum wall height of 3.3m applies

DCP Steps

1. Survey natural ground level to establish the slope of the site
2. Review the height of buildings map in the Manly LEP 2013 to identify the 'Area' the site is located within
3. Review the table in Figure 26 of section 4.1.2.1 of the Manly DCP to establish applicable wall height control category based on mapped area
4. Review Figure 27 of section 4.1.2.1 to ascertain interpretation of wall height based on slope
5. Calculate wall height determining ratio gradient (vertical drop between top and bottom of development to horizontal distance from front to back walls of development)
6. Apply ratio to nomograph in Figure 28 of section 4.1.2.1 of the Manly DCP to establish applicable wall height control across the lot. Note that the applicable height varies between each wall / elevation.



Manly DCP Section 4.1.2.1 Figure 28

The comparison highlights disparities in complexity between CDCs and DAs: in one instance a single clause and set of numeric standards compared to navigating multiple documents, maps, tables, figures and interpretive steps. The DCP example appears to have been designed to deal with site slope in a flexible way but applies generally across lots of any incline where the DCP applies. It also applies a unique definition of natural ground level not reflected in the Standard Instrument. It is noted that, while the controls shown here are not exactly the same in their application, the difference in their approach and presentation is the focus of the comparison.

4 The opportunity for low-rise housing

4.1 A single low-rise housing code

The vision for low-rise housing in NSW is to establish a single, standardised code that applies across the state. This would be achieved by creating consistent development standards for complying development and the targeted assessment DA pathway. This would involve repealing and replacing the existing low-rise housing codes available for complying development and unifying them with a single set of standards that apply to **both** targeted assessment and complying development. This unified approach will make requirements easier to understand and access, fostering greater clarity and efficiency in housing approvals. The principal objective of this process is to have one set of controls for each housing typology across NSW – regardless of which pathway you are assessed under.

Under this model, most low-rise residential development would be assessed through either a complying development pathway or a targeted assessment pathway under the same unified code. Only sites with constraints that require bespoke design solutions, such as land affected by coastal hazards, would continue to use a traditional DA pathway.

The CDC pathway will continue to operate as it currently does, but with clearer, simpler standards.

The targeted assessment pathway would replace the fragmented standards dispersed throughout LEPs, other environmental planning instruments, DCPs and the broader considerations under section 4.15(1) (that do not apply to targeted assessment development). Assessment effort would focus on merit-based consideration against clearly defined standards and objectives instead of a broad consideration of all likely impacts, the public interest and the suitability of individual sites.

This would radically simplify the planning layers that must be considered when undertaking a low-rise housing project. Figure 5 demonstrates how a development might proceed under the code in a variety of scenarios.

4.2 What would a single code include?

4.2.1 Clear eligibility framework

The code would simplify and improve the exclusions and eligibility criteria for CDC while also clearly defining the eligibility for targeted assessment. This would support greater certainty for applicants and consent authorities and reduce the likelihood of otherwise low-impact proposals being diverted into more complex assessment pathways.

4.2.1.1 Permissibility

Permissibility for all low-rise housing would be clearly and consistently reinstated to LEPs. Achieving this would necessitate amendments to multiple EPIs, including the Standard Instrument LEP.

Key changes to support this approach could include recognising manor houses as a distinct use in the Standard Instrument LEP, reflecting their closer alignment with multi-dwelling housing, and relocating low-rise housing permissibility currently contained in the Housing SEPP into LEPs.

While these changes would require detailed consideration and are likely to be implemented over the longer-term, they represent an important step toward a more legible and integrated approach to permissibility.

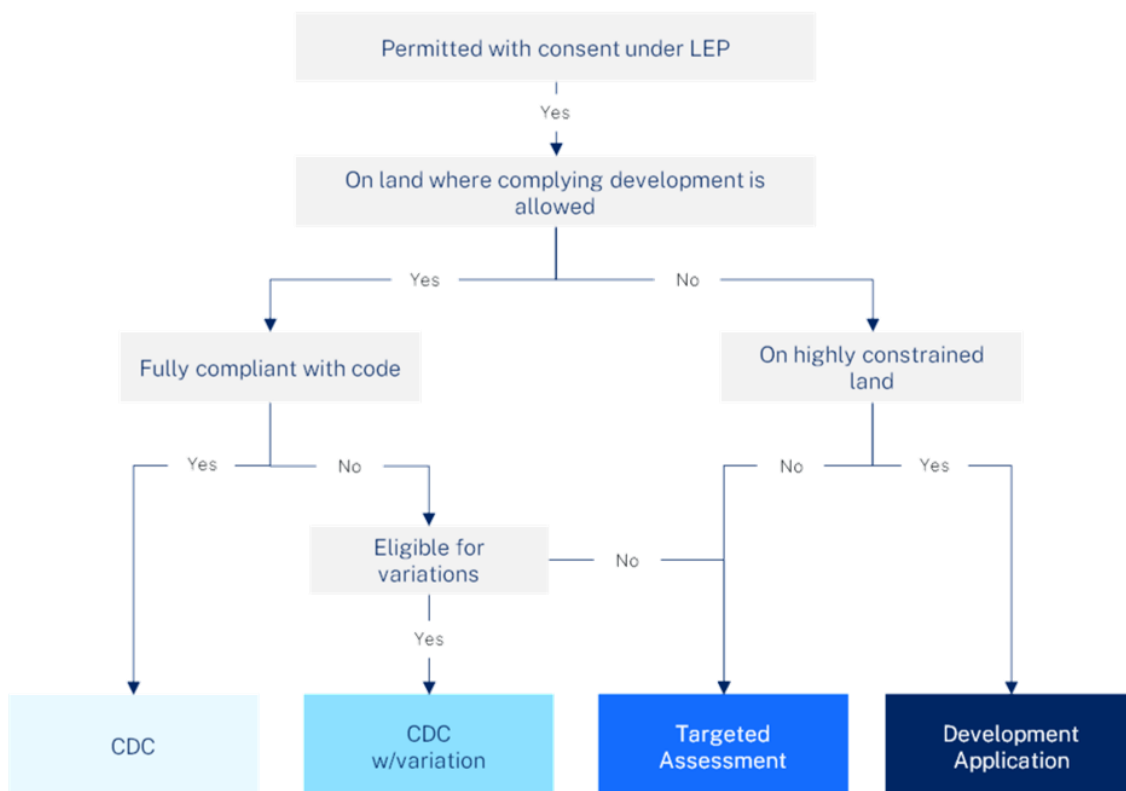


Figure 5: Low-rise housing pathways – future state

4.2.1.2 Zoning

In moving towards a more standardised approach, the differentiation and consistent use of zones across NSW will become more important. Guidance around this will be considered as part of future implementation.

4.2.1.3 Definitions

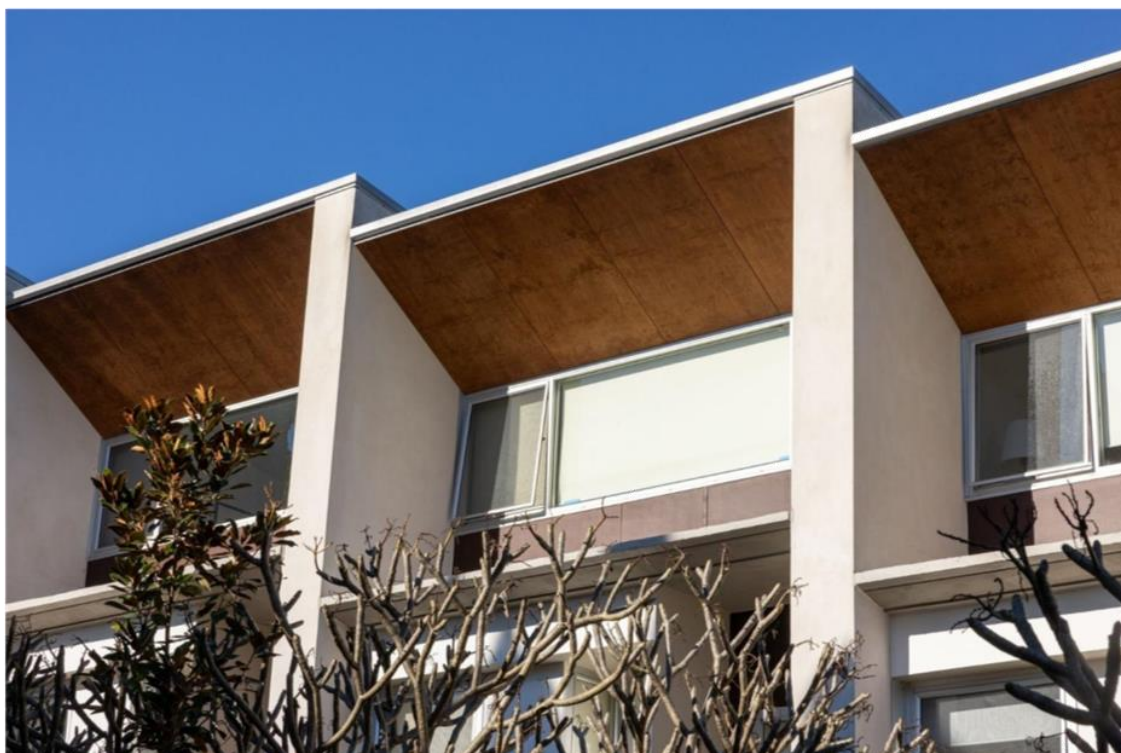
A critical element of a single code would be identifying overlaps, contradictions and gaps in definitions across the planning system. This would involve reviewing and standardising definitions from various SEPPs (see Appendix A) into the Standard Instrument LEP. These consolidated definitions would form the basis for the operation of the controls in the code.

4.2.1.4 Natural hazards and environmental constraints

A key role of a single code would be to provide clearer and more consistent management of natural hazards and environmental constraints across assessment pathways. This would explore opportunities to improve mapping, definitions and thresholds to identify affected land. The code could include a clear, up-front chapter that sets out how different hazards and environmental constraints are managed across pathways. An example of how constraints could be managed across pathways is provided in Figure 6.

Environmental Constraints	Alterations and additions	Replacement dwelling	New dwelling/s
No constraints	✓ CDC ✓ TA	✓ CDC ✓ TA	✓ CDC ✓ TA
Flood – no/low hazard	✓ CDC ✓ TA	✓ CDC ✓ TA	✓ CDC ✓ TA
Flood – high hazard	✓ TA	✓ TA	✗ Excluded
Bushfire (≤BAL-29)	✓ CDC ✓ TA	✓ CDC ✓ TA	✓ TA
Bushfire (BAL-40)	✓ TA	✓ TA	✗ Excluded

Figure 6: Example Environmental Constraints Matrix



4.2.2 Controls all in one place

The code would bring together all controls relevant to the assessment of low-rise housing in one location. Each control would contain both standards and related objectives, supported by diagrams, figures and tables to explain the requirements in the clearest and most user-friendly way.

The controls would also clearly set out the development types to which they apply, as well as the circumstances in which they apply. This could be set out in the individual control or in the overall structure of the code.

Figure 7 provides an example of how the controls could be set out in the proposed code. The various elements are explored further below.

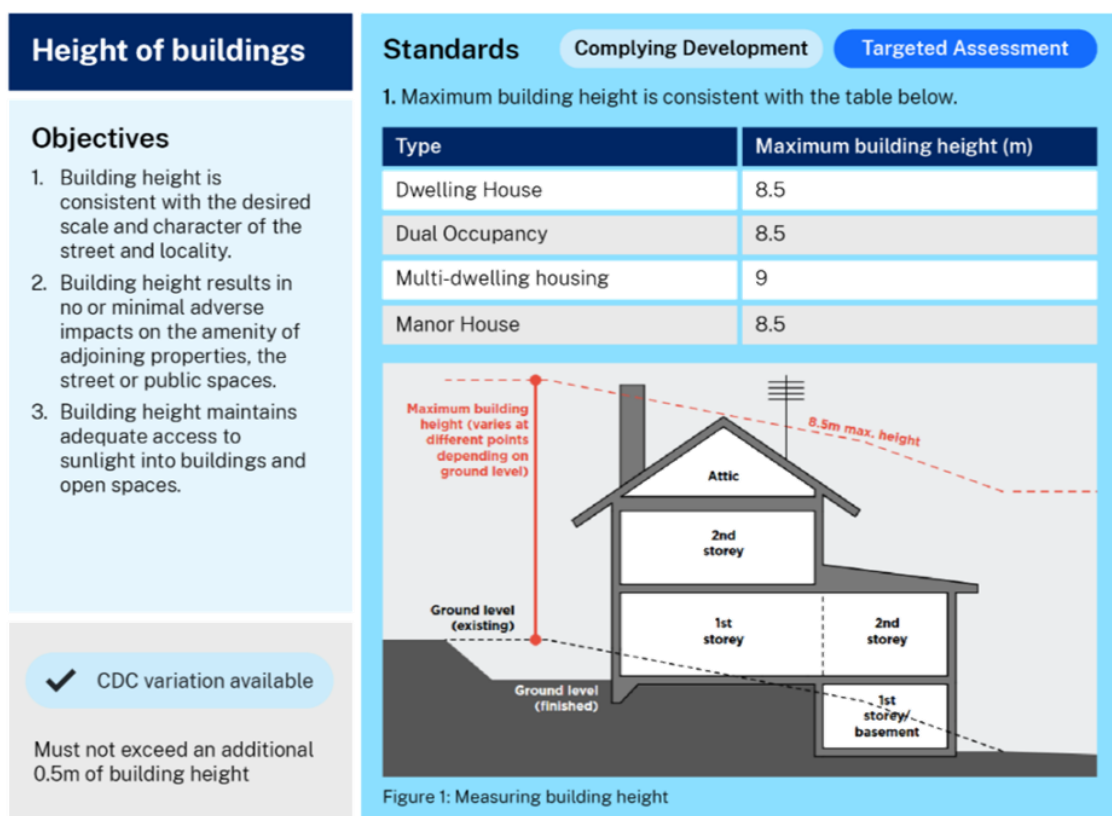


Figure 7: Example height of buildings controls layout

4.2.2.1 Matters contained in the code

The code would primarily address design-related matters, adopting a similar approach to existing CDC controls for low-rise housing. Standards such as height, floor area, setbacks and open space controls would be key tenets of the code.

Other environmental matters that are being considered for inclusion are:

- dark sky impacts near Siding Spring Observatory
- tree retention, removal and landscaping
- development affected by aircraft noise
- services
- biodiversity
- stormwater
- waste management
- mine subsidence
- contamination.

Where not included in the code, clear links or references to applicable standards would be included.

What do you think?

Which standards should be included in the code and which standards are more appropriately left outside the code in existing SEPPs, LEPs and DCPs?



4.2.2.2 Standards

Each control would contain a numerical standard. In most cases, a single standard would apply to both the CDC pathway and the targeted assessment pathway. In some cases, however, a standard would only apply to targeted assessment (e.g. where it relates to land on which complying development cannot be carried out).

Under the CDC pathway, the standard would operate as a complying development standard. Where all applicable standards are met, a CDC may be issued. As discussed in section 3.2.2, the creation of a single code would provide an opportunity to both consolidate and simplify existing codes and update standards to ensure they are delivering the best design outcomes. Where necessary, the code could incorporate different standards to reflect different locations or zones. For example, setback requirements are likely to differ between rural and urban areas.

Figure 8 shows how consolidation could be delivered. In this scenario, all standards relating to low-rise residential would be consolidated into a new single housing code. Non-residential development currently regulated through the Rural Housing Code and Inland Code, such as dams, would be consolidated into a rural development code with the Agritourism and Farm Stay Accommodation Code. This would provide a single location for all non-residential rural development within the Codes SEPP.

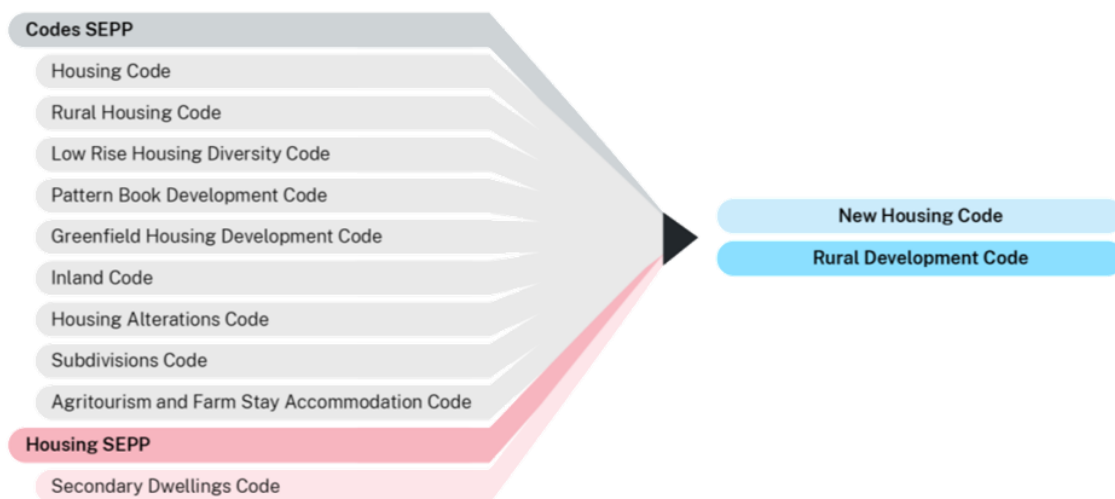


Figure 8: Potential consolidation of existing codes

For targeted assessment, these same controls would operate as non-discretionary development standards. If a non-discretionary development standard is met, the consent authority cannot take the standard into further consideration in determining the DA. The declaration of targeted assessment would also switch off other merit considerations under section 4.15, such as the likely impacts of the development and the suitability of the site, on the basis that these matters are addressed through the detailed controls in the code.

The non-discretionary development standards would largely replace a range of DCP and LEP controls. This would significantly improve alignment between the outcomes of the CDC and DA pathway, reducing inconsistency and unnecessary variation in assessment outcomes.

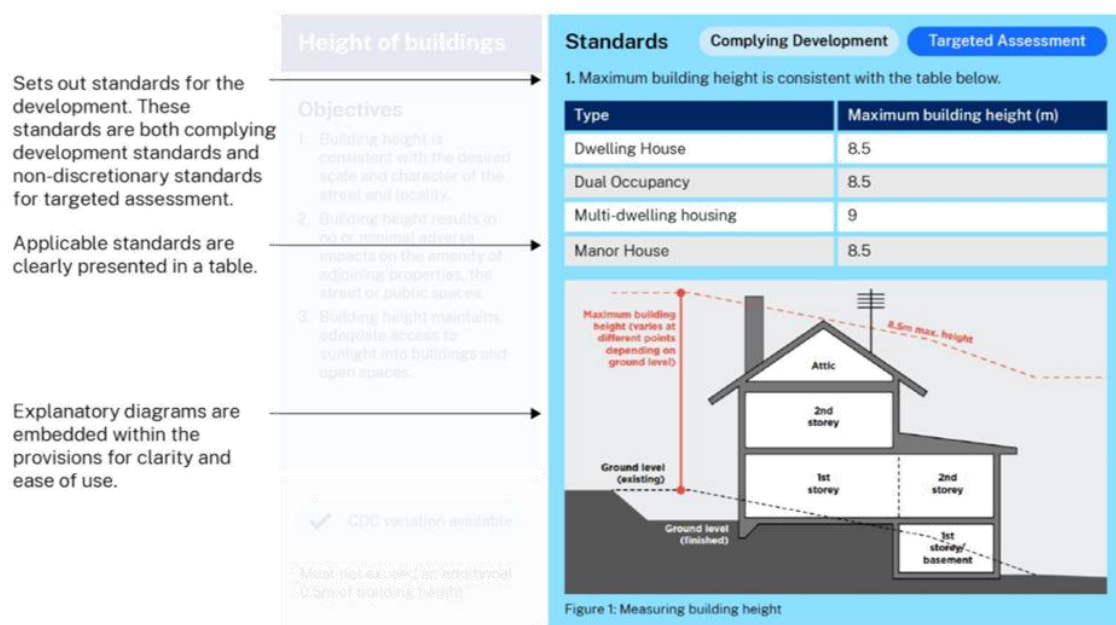


Figure 9: Example standards layout

4.2.2.3 Objectives

Each numerical standard would be accompanied by a set of objectives that outline the outcomes the standard is intended to achieve. The objectives would serve 2 purposes:

- CDC pathway - where a variation to a CDC standard is available, councils would be required to assess the variation request against the relevant objectives. Each control will indicate whether a variation is available and to what extent (as shown in the example in Figure 10). The objectives would not be applied in cases where no variation is sought, maintaining certainty for certifiers.
- Targeted assessment pathway - where a non-discretionary development standard is not met, the acceptability of the non-compliance would be assessed on merit against the relevant objectives.

This approach will allow standards to be varied without relying on Clause 4.6 of the Standard Instrument.

Even though these variations would not be required to meet the requirements of clause 4.6 of the Standard Instrument, an objectives-based approach would reduce ambiguity for applicants and consent authorities, limit opportunities for lobbying or selective intervention, create a clearer and more consistent approach across the state, and ensures decisions can be understood and justified.

The Department is committed to reducing opportunities for corrupt conduct in the planning system. The Independent Commission Against Corruptions Operation Dasha Investigation Report (March 2021) investigation into councillors of the former Canterbury City Council highlighted how discretionary and inconsistent use of Clause 4.6 of the Standard Instrument had created space for undue influence, opaque decision making and, in some cases, variations being used as a “de facto plan making device” rather than their intended purpose.

This investigation resulted in several changes to Clause 4.6 of the Standard Instrument and the introduction of new procedures for monitoring and reporting.

To support the findings of this investigation, procedural reporting and auditing requirements are proposed to accompany the objectives-based variation approach in the code. This could require reporting of certain targeted assessment variations such as height, floor space ratio and minimum lot size, which could be made publicly available through the Department's online [variations register](#).



Figure 10: Example objectives layout

4.2.3 Guidance to promote good design

The code would include guidance to support applicants in achieving good design outcomes. Guidance could be embedded into the controls or provided as a dedicated chapter similar to Chapter 3 of the *Low Rise Housing Diversity Design Guide for Development Applications*. Guidance would assist building designers to understand how development should relate to its immediate context, interface with other buildings and the public domain, and provide quality landscaped areas. An example is show in Figure 11.

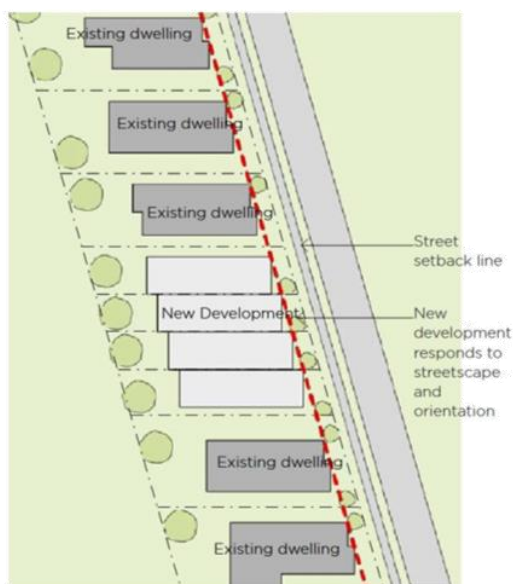


Figure 3-65 Built form responds to and complements surrounding streetscape and setbacks

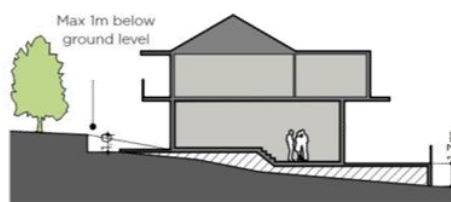


Figure 3-63 Reduce visual impact of basement entries by reducing the scale of the opening



Figure 3-64 Reduce visual impact of basement entries by reducing the scale of the opening

Figure 11: Example design guidance from the Low Rise Housing Diversity Design Guide for Development Applications

4.3 Key benefits

Key benefits of a single code for low-rise housing include:

- **Streamlined access:** Inexperienced applicants would benefit from having all the information and requirements in one place, reducing confusion and the need for specialist advice.
- **Consistency:** A unified code would promote more consistent treatment of low risk, low-rise housing applications regardless of location. This would reduce variability in outcomes and provide greater certainty.
- **Efficiency:** Consolidating standards and controls would accelerate assessment timeframes, reduce duplication and lower costs for applicants. This would enable planning resources to focus on higher-risk proposals that warrant detailed merit assessment.
- **Flexibility:** The code would support multiple assessment pathways including CDC (with or without variations) and targeted assessment. This would give applicants clear, proportionate development pathways that are aligned to the nature and impact of their proposal.

Ultimately, a one-stop shop for low-rise housing has the potential to radically simplify the planning system, making it more accessible and efficient for all users. This would not only support greater housing supply and diversity but also empower a broader range of participants to confidently engage with the planning process.

The proposed code would also move NSW towards a more modern, fit-for-purpose framework consistent with systems that have emerged in other jurisdictions in Australia.

In Western Australia, residential development is largely regulated through the Residential Design Codes (R-Codes) which operates as a single, statewide instrument. It sets out detailed, largely

numeric development standards for residential development. Controls are presented in a deemed-to-comply format, with a distinction between standards that must be met and those with limited discretion. Minor departures can be supported where the decision-maker is satisfied that the proposal meets the underlying design objectives.

Victoria's approach also places strong emphasis on the presentation of controls through defined assessment pathways. Under the 'VicSmart' pathway, controls are deliberately pared back and presented as a limited set of standards and considerations. Non-relevant provisions of planning schemes switched off to reduce assessment scope and complexity. Variations to controls are assessed against targeted 'decision guidelines' that relate to the key impacts relevant to a given control.

What do you think?

Do you see this consolidation as a helpful step towards a simplified framework?

Are there any instruments you would like to see included or excluded from a consolidated code?



5 Interaction with the broader planning system

5.1 Impact on other planning instruments, documents and pathways

5.1.1 SEPPs

As part of this consolidation, amendments to existing SEPPs would be required to remove, relocate or switch off provisions that duplicate or conflict with the code. In particular, elements of the Codes SEPP and the Housing SEPP would be reviewed and, where appropriate, incorporated into the consolidated code. This would reduce the number of separate instruments applicants and consent authorities must reference and improve alignment between complying development and development application pathways.

Other SEPPs would continue to operate where they address matters outside the scope of the low-rise housing code, such as state significant development or broader policy areas. Precinct-specific SEPPs may require additional consideration to determine how equivalent zones, definitions and standards interact with the code, with the aim of applying consistent controls wherever practicable.

5.1.2 LEPs

LEPs will continue to play a central role in the NSW planning system under the proposed low-rise housing reforms. Specifically, LEPs will remain the primary instrument for establishing zoning, land use permissibility and lot size controls. However, the introduction of a consolidated low-rise housing code and the targeted assessment pathway would change how LEPs interact with detailed development controls for low-rise housing.

Over the longer-term, the reforms present an opportunity to simplify the planning framework by consolidating low-rise housing permissibility back into LEPs, restoring their role as the single, authoritative source of land use permissibility.

While LEPs would continue to establish these strategic controls, their role in regulating detailed built form outcomes for low-rise housing would be reduced. Core development standards and objectives would be consolidated into the low-rise housing code and would apply consistently across the complying development and targeted assessment pathways.

By concentrating detailed controls within a single code, LEPs would more clearly focus on their strategic land use planning function.

As part of implementation, existing LEP provisions relating to low-rise housing would need to be reviewed to identify controls that duplicate, conflict with, or are intended to be replaced by the code. Some LEP provisions may continue to apply where they address matters not suited to statewide standardisation, e.g. acid sulfate soils and other mapped constraints.

5.1.3 DCPs

DCPs currently play a substantial role in the assessment of low-rise housing, particularly where development does not qualify for complying development. In many cases, DCPs introduce detailed, location-specific controls that differ from, or duplicate, standards contained in the Codes SEPP and the Housing SEPP. This has contributed to inconsistent outcomes, increased complexity for applicants, and materially different outcomes depending on the assessment pathway.

Under the proposed reform framework, the role of DCPs in regulating low-rise housing would be reduced. Core development standards and objectives relevant to low-rise housing would be consolidated into the single low-rise housing code and would replace many existing DCP controls.

This is intended to improve alignment between outcomes under complying development and development application pathways and to reduce the step-change in controls that currently occurs when a proposal falls outside CDC eligibility.

DCPs may continue to have a role where they address matters not captured by the low-rise housing code, or where site-specific or precinct-specific considerations remain necessary (see also Section [Error! Reference source not found.](#)). This may include, for example, controls relating to heritage, waste management, or other locally-specific matters that are not suited to statewide standardisation. For any development not covered by the code, DCPs would continue to operate as normal.

5.1.4 Exempt development

It is not proposed to incorporate exempt development provisions into the low-rise housing code as these apply broadly across a range of development types. However, opportunities for amendments to and simplification of the exempt development framework may be explored as a consequence of the consolidation of complying development provisions.

What do you think?

Should exempt development provisions relevant to low-rise housing be included in a consolidated code or continue to be dealt with separately?

5.1.5 Pattern book development

Pattern book development is a bespoke pathway that is highly prescriptive, with designs developed in detail and pre-endorsed by Government Architect NSW.

Given its bespoke nature, wholesale integration of low- or mid-rise pattern book development into the low-rise housing code is unlikely to be appropriate. Pattern book development would continue to be accessible using existing pathways and may benefit from broader system improvements and simplification.

5.1.6 DA pathway for constrained land

For land that is not eligible for either the complying development or targeted assessment, development would continue to be assessed through the traditional DA pathway. This pathway would apply where sites are subject to high-risk, complex or unresolved constraints, or where the nature of development requires a full merit assessment. In these circumstances, the full range of

matters under section 4.15 would continue to apply, ensuring that site-specific impacts, suitability and public interest considerations are appropriately assessed. The existing framework of development controls under SEPPs, LEPs and DCPs would also continue to apply in these cases.

It is envisaged that once a standardised code is introduced, this pathway would only need to be utilised by a small percentage of low-rise housing development.

5.1.7 Master planned development

A key consideration in the development of the code will be its applicability to master planned residential development. Across greenfield growth areas in Greater Sydney and throughout NSW, master planning is common practice accompanying land releases and subdivision. While many of these estates are planned around CDC controls, extensive site-specific detail is usually included in DCPs that go beyond typical low-rise residential controls. For instance, many precinct DCPs include:

- Indicative layout plans
- Road hierarchy
- Pedestrian and cycling network
- Open space

These types of requirements will remain relevant to the broader development and subdivision of future precincts, but the code could be applied to the design of low-rise housing within new and potentially some existing precincts, such as the growth centres.

5.2 Constrained land

5.2.1 Natural hazards

Natural hazards can include a bushfire, coastal hazard, cyclone, drought, earthquake, flood, heatwave, landslide, severe thunderstorm, extreme heat, tornado and tsunami. Some of these events are unpredictable and are not typically managed through land use controls. Others, such as coastal hazards, flooding and bushfire primarily affect at-risk areas that are identified within the planning system.

Land affected by mapped hazards is often ineligible for CDC. As a result, it is desirable that targeted assessment applies to low-rise housing within areas potentially affected by natural hazards, where risks can be appropriately managed through development and construction standards.

For affected land, the guiding principle for the application of targeted assessment will be avoiding intensification of land use on sites deemed to be meaningfully affected by natural hazards. On land where a dwelling is permitted, it is proposed that:

- An equivalent dwelling of the same type could be constructed to replace an existing dwelling, consistent with the code.
- Alterations and additions to an existing dwelling could be undertaken in accordance with the code.
- All development would be subject to compliance with key development or construction standards to ensure safe and improved resilience over existing conditions.

If land is so seriously affected by natural hazards such that the erection of a new equivalent dwelling would pose an unacceptable risk, rezoning to prohibit residential development may be the most appropriate policy response. The recently exhibited Tolerable Risk Guideline will also inform further work in this space.

What do you think?

Should hazard affected land be eligible for targeted assessment?

Do you agree with the principle of avoiding residential land use intensification?

Do you have any other comments or concerns related to natural hazards?

5.2.2 Heritage

Development of land that is heritage listed or within a heritage conservation area (HCA) must be responsive to the particular heritage values sought to be protected. Heritage affected land cannot access the CDC pathway and is not suited to a standardised code. However, rollout of the code may allow councils to consider whether existing assessment requirements reasonably facilitate appropriate development and whether a more consistent approach is possible across LGAs.

What do you think?

Should HCAs be included in the reform? Should heritage items be excluded?

5.3 Non-standard residential zones

5.3.1 Conservation zones

Conservation zones are intended to protect land with high environmental, scientific, or aesthetic value. Two of these zones, C3 Environmental Management and C4 Environmental Living, permit dwelling houses under the Standard Instrument. In some LGAs, dwelling houses are also permitted in the C2 Environmental Conservation zone. These zones are applied to a wide range of different land use conditions across rural and metropolitan areas. For example, the C4 Environmental Living zone is used extensively in waterfront areas in Sydney's Northern Beaches and in bushland adjacent areas across Sydney.

The preliminary policy position is that targeted assessment could apply to permissible low-rise housing in conservation zoned land that has a predominantly residential character and is not subject to significant site constraints. Highly constrained land – irrespective of zoning – is already proposed to be excluded from the code. Any policy application in these zones would need to operate with caution to ensure that outcomes do not undermine the conservation functions of the zone. Additional controls may be required to ensure development aligns with the objectives of the zone.

What do you think?

Should conservation zones be included in the reforms?

Are there any specific concerns with applying targeted assessment in these zones?

5.3.2 Other

There are a range of non-standard residential zones, typically associated with specific precinct planning processes that were undertaken prior to the commencement of the Standard Instrument. One example is the 'Urban zone' given effect in St Marys under Chapter 6 of *State Environmental Planning Policy (Precincts – Western Parkland City)*.

The preliminary policy position is that, as far as possible, the same codes and standards should apply across these non-standard zones, unless a precinct is being actively developed under an approved master plan.

One approach being investigated is similar to that used in the Codes SEPP, which allows the Planning Secretary to certify that a zone in an environmental planning instrument is or is not an equivalent zone for the purposes of the SEPP. It is unclear whether the examples noted above are considered equivalent zones under the SEPP at present.

5.4 Non-standard residential typologies

The reforms also consider whether certain specialised low-rise housing types should be included as part of consolidation and simplification. Some group homes and boarding houses could be captured within the low-rise housing category, but the preliminary policy position is to exclude them. These forms of housing are typically delivered by specialised providers, represent a very small share of development activity, and are already supported by fit-for-purpose planning controls.

Rural workers' dwellings are also proposed to be excluded. While these dwellings can be justified in specific circumstances, there are concerns that additional permanent dwellings could increase subdivision pressure or undermine rural zone objectives. Existing policy settings encourage flexibility and temporary built forms where possible, and these dwellings differ significantly from standard housing outcomes.

There are other forms of low-rise housing that currently do not have access to a CDC pathway and must proceed through a DA. These include dual occupancies that are located one behind another on non-corner allotments and villa type development that is accessed via a private road. Consistent CDC and targeted assessment standards will be considered to expand access to a wider range of housing typologies.

What do you think?

Should the code include standards for a broader range of low-rise housing typologies? Should it provide both a CDC and targeted assessment pathway?

5.5 Referrals and exhibition

Referrals and exhibition requirements for low-rise housing intersect with other initiatives under the PSR Act, namely the Development Coordination Authority (DCA) and the introduction of a state-wide Community Participation Plan (CPP). At this stage, it is not proposed to turn off any referral

provisions relating to low-rise housing. However, these reforms will benefit from the new framework for statutory inputs on DAs, which proposes to consolidate more than 800 triggers for concurrences or consultation with government agencies and other bodies spread across 175 planning instruments. This framework was exhibited from 29 January until 25 February 2026.

Exhibition requirements for targeted assessment applications will be influenced by the finalisation of the statewide CPP, which is currently on exhibition until 3 June 2026. The draft CPP proposes that low-rise housing applications will be exempt from public exhibition and notification where the development:

- is permissible in the relevant zone
- meets the relevant planning controls in a local environmental plan, development control plan and/or state environmental planning policy
- does not include a 4.6 variation.

The proposed exhibition requirements for targeted assessment under the low-rise housing code will be set out in detail in any future EIE.

Complying development would continue not to be subject to public exhibition.

5.6 Other matters

5.6.1 Minimum lot size and subdivision

Analysis of existing LEPs demonstrates a high degree of variation in how minimum lot size and subdivision controls are structured, including the use of fixed numeric controls, density-based controls, map-based approaches and complex hybrid clauses that combine several mechanisms in a single provision.

To align with the overarching vision for an improved and simplified user experience, opportunities for standardising the way these controls are presented within LEPs is being explored. At this stage, no substantial changes to existing numeric lot size controls are proposed.

Subdivision of certain low-rise housing typologies is currently catered for in the Codes SEPP. This would continue to be accommodated in the low-rise housing code and expanded into the targeted assessment pathway to achieve better alignment between CDC and DA pathways.

Some complexity arises with rural subdivision, which is typically controlled by a range of standard and non-standard LEP provisions directed at minimising land fragmentation and land use conflict. At this stage, rural subdivision controls would not be consolidated into the low-rise housing code.

In the future, a more standardised approach to dwelling entitlements and rural subdivision would support a wider range of housing options in rural areas, while still protecting agricultural productivity and land use objectives. It would also allow a clearer path to eligibility for the standardised housing code in rural areas.

6 Implementation

6.1 Staged implementation approach

The reforms proposed in this paper are far-reaching and will require significant changes to a range of EPIs and other planning documents.

Implementation will need to be carefully staged to ensure that overlapping or duplicative provisions are repealed or incorporated into the low-rise housing code at the point new arrangements commence.

The first stage of the low-rise housing code is likely to focus on residentially zoned land with minimal constraints and a subset of low-rise housing including dual occupancies, manor houses and multi dwelling housing. The scope and details of this first stage will be subject of a detailed EIE following consideration of feedback received on this Discussion Paper.

Future stages would progressively expand the low-rise housing code to cover other forms of low-rise housing, including dwelling houses, secondary dwellings and alterations and additions, and more complex locations.

What do you think?

What do you think should be the first stage of the code?

6.2 Explanation of intended effect

Before any development can be declared to be targeted assessment, section 4.20A(3) of the EP&A Act requires an EIE to be publicised and submissions sought and considered. The EIE would include:

- a proposed declaration of the specified low-rise development as targeted assessment
- the environmental planning instruments proposed to be amended
- how the proposal meets the principles in **Section 0**
- the low-rise typologies that are proposed to be included in the declaration
- any proposed locational or hazard related restrictions or inclusions
- a description of the standards, requirements, objectives and/or controls proposed to be contained within the low-rise housing code
- proposed exhibition requirements for applications made under the targeted assessment pathway
- the proposed application of other SEPPs, LEPs and DCPs to assessment of targeted assessment DAs and the application of any referral and concurrence requirements.

The EIE would also include proposed amendments to the Codes SEPP to consolidate the existing codes, provide variations to complying development standards, and any proposed amendments to the Standard Instrument LEP.

Appendix A – Inconsistencies in low-rise housing definitions

Land use term	LEP Definition	Codes SEPP Definition	Comment
Dwelling house	<i>dwelling house means a building containing only one dwelling.</i>	<i>dwelling house means a building containing one dwelling, an attached dwelling or a semi-detached dwelling, but does not include any part of the building that is ancillary development, attached development, detached development or exempt development under this Policy.</i>	The Codes SEPP definition is broadened to encompass attached dwellings and semi-detached dwellings so that these typologies can benefit from the relevant complying development provisions relating to dwelling houses.
Manor house	[Not defined – defaults to definition of <i>residential flat building</i>]	<i>manor house means a residential flat building containing 3 or 4 dwellings, where –</i> <i>(a) each dwelling is attached to another dwelling by a common wall or floor, and</i> <i>(b) at least 1 dwelling is partially or wholly located above another dwelling, and</i> <i>(c) the building contains no more than 2 storeys (excluding any basement).</i>	The Codes SEPP sets up a sub-definition of residential flat building in order to provide for standards that relate only to residential flat buildings of 1 or 2 storeys.
Multi-dwelling housing (terraces)	[Not defined – defaults to definition of <i>multi-dwelling housing</i>]	<i>multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.</i>	The Codes SEPP sets up a sub-definition of multi-dwelling housing to relate specifically to terraces. This allows specific controls relating to terrace housing to be provided.
Dual occupancy (attached)	<i>dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.</i>		The Codes SEPP makes provision for an undefined additional variety of dual occupancy: an attached dual occupancy where part of a dwelling is located above part of another dwelling. The result is two separate kinds of controls applying to dual occupancies (attached) depending on their arrangement, which can be difficult to distinguish

Land use term	LEP Definition	Codes SEPP Definition	Comment
			between without separate definitions.
Precinct SEPPs definitions			
In addition, there are numerous parts and schedules within the Precinct SEPPs that do not adhere to standard instrument definitions, with modifications made to the definitions of various low-rise housing typologies. These include manor homes, multi-dwelling housing and studio dwellings.			

Appendix B – Summary of CDC eligibility

Exclusionary	<p>Exclusionary factors specify exclusions for all complying development and are generally characterised as broader overlays (sometimes specified in other legislation) that, because of their sensitive nature, necessitate the exclusion of complying development. Some examples of exclusionary factors include:</p> <ul style="list-style-type: none"> • Heritage items • Environmentally sensitive areas • Wilderness areas
Qualifying	<p>Qualifying factors specify the kinds of development that a particular code permits and/or the zones in which it applies. For instance, the Inland Code requires that a lot is located in an inland LGA, and in Zone RU1, RU2, RU3, RU4, RU5, RU6, R1, R2, R3, R4 or R5 and applies to development for the purposes of 'the erection of a new 1 or 2 storey dwelling house and any attached development'. Other requirements in this category may include a lot being mapped within a particular area, as is the case for the Greenfield Housing Code.</p>
Prohibitive	<p>Prohibitive factors specify environmental overlays or site/building conditions and stipulate that, if land is affected by the relevant overlay, then development for the specified purpose cannot be undertaken as complying development, despite the exclusionary and permissive preconditions. Examples of prohibitive factors include:</p> <ul style="list-style-type: none"> • Flood storage and high hazard areas • Land affected by landslide risk • Building over a registered easement
Standards	<p>Standards are set out in the Codes SEPP and must be complied with for a proposal to be complying development. Examples of standards include:</p> <ul style="list-style-type: none"> • Height • Gross floor area • Setbacks

Appendix C – Existing complying development codes for low-rise housing

Code / Controls	Where it applies	Qualifying criteria
Codes SEPP – Part 3 Housing Code	LGAs east of the Great Dividing Range	The lot must: <ul style="list-style-type: none"> be in Zone R1, R2, R3, R4 or RU5, and have an area not less than 200m², and width of at least 6m measured at the building line, and there must only be 1 dwelling house on the lot at the completion of the development, and have lawful access to a public road, and if on a battle-axe lot, be at least 12m by 12m and must have an access laneway that is at least 3m wide, and if on a corner lot, be at least 6m wide at the primary road boundary.
Codes SEPP – Part 3A Rural Housing Code	LGAs east of the Great Dividing Range	The lot must be: <ul style="list-style-type: none"> in RU1, RU2, RU3, RU4, RU6 or R5, and in Zone RU1, RU2, RU4 or RU6 have an area of at least 4,000m²
Codes SEPP – Part 3B Low Rise Housing Diversity Code	The State	The lot must: <ul style="list-style-type: none"> permit the relevant land use be in Zone RU5, Zone R1, Zone R2 or Zone R3 have lawful access to a public road at the completion of the development.
Codes SEPP – Part 3BA Pattern Book Development Code	The State	The lot must: <ul style="list-style-type: none"> permit the relevant land use, be in Zone R1, Zone R2 or Zone R3 be consistent with a specified pattern result in a lot not smaller than the relevant control under an EPI, unless within an LMR area have lawful access to a public road at the completion of the development.
Codes SEPP – Part 3C Greenfield Housing Code	Land identified on the Greenfield Housing Code Area Map	The lot must: <ul style="list-style-type: none"> be within the <i>Greenfield Housing Code Area</i>, and be in Zone R1, R2, R3, R4 or RU5, and have an area not less than 200m², and

Code / Controls	Where it applies	Qualifying criteria
		<ul style="list-style-type: none"> • have a lot width at least 6m measured at the building line, and • only contain 1 dwelling house at the completion of the development, and • have lawful access to a public road, and • if on a battle-axe lot, be at least 12m by 12m and have an access laneway that is at least 3m wide, • and if on a corner lot, the width of the primary road boundary of the lot must be at least 6m.
Codes SEPP – Part 3D Inland Code	LGAs west of the Great Dividing Range	<p>The lot must:</p> <ul style="list-style-type: none"> • be located in an <u>inland LGA</u>, and • be in Zone RU1, RU2, RU3, RU4, RU5, RU6, R1, R2, R3, R4 or R5, and • not be on land to which the Greenfield Housing Code applies.
Codes SEPP – Part 4 Housing Alterations Code	The State	The proposal must be consistent with the specified development.
Housing SEPP – Chapter 3, Part 1 – Secondary Dwellings	The State	<p>The lot must:</p> <ul style="list-style-type: none"> • be in a residential zone other than R5 • have an area of at least 450 sqm • not result in a dwelling on the land, other than the principal dwelling and the secondary dwelling • not result in a floor area greater than 60 sqm unless a greater floor area is permitted by another EPI.

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