



<b>Circular</b>	PS12-003
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<b>Related</b>	

## Initiatives to improve housing supply

This circular advises councils and industry about proposed reforms to policy, practice and legislation in relation to the way riparian corridors, bush fire planning, biodiversity, and Aboriginal cultural heritage are to be considered in the planning and development process.

### INTRODUCTION

The NSW Government is strongly committed to increasing the supply of housing.

The state's housing production is low. This has a major impact on housing affordability and the performance of the state's economy generally. Sydney needs a minimum of 25,000 additional dwellings per year. In 2009-10 dwelling production was about 14,000.

While the delivery of new housing is already well underway in a range of existing release areas, a number of system-wide issues have been identified that complicate planning processes and add unnecessary time and cost to the housing supply pipeline.

The four major issues identified are riparian corridors, bush fire planning, biodiversity and Aboriginal cultural heritage.

To ensure the reforms target the right issues, agencies industry and local government have been consulted in the development of the package.

### RIPARIAN CORRIDORS

The size of corridors and types of uses allowed in them affect housing supply by impacting on the amount of land available for development and on the type of infrastructure located within or crossing the corridors.

The NSW Office of Water (NOW) has developed a new, flexible approach for regulating controlled activities in riparian corridors. Providing greater flexibility in the uses permissible in the riparian corridor can result in significant savings while maintaining water quality and other environmental outcomes. To provide certainty and shorten approval times, outcomes should be decided as part of the rezoning process.

### Proposed reforms

The following reforms will be introduced by 1 July 2012:

- The former Riparian Corridor Objective Setting (RCOS) approach will be replaced by the Strahler stream ordering methodology. This is an objective approach which includes set riparian corridor widths.
- More land will be made available for urban development and greater certainty will be provided to developers, government and landholders by:
  - establishing and publicising clear and appropriate rules on the width of riparian corridors
  - greater flexibility in urban design by allowing a broader range of uses in riparian corridors including detention basins, cycleways, roads and recreational areas
  - enabling works and activities to be offset along the length of a riparian corridor
  - providing greater flexibility with watercourse crossing design
  - removing the need for vegetated buffers in addition to a riparian zone
  - introducing a streamlined assessment approach so compliant proposals can be assessed more quickly.

The Department of Planning and Infrastructure (DP&I) will immediately commence the implementation of this new policy in Sydney's Growth Centres – Catherine Fields (Part), East Leppington, Leppington and Marsden Park Precincts. The new principles will be applied across the state from 1 July 2012.

The NOW has updated its website to provide clarification on how the existing exemptions under the *Water Management Act 2000* operate for work undertaken on behalf of a council or agencies. This will provide certainty for developers undertaking 'works in kind' as part of a development.

### BUSH FIRE PLANNING

Bush fire planning impacts on housing supply because the current legislative framework requires assessment at various stages in the planning and development process (i.e rezoning, subdivision and dwelling application stage).

This can lead to duplication in assessment and multiple referrals and approvals, adding to time and costs.

Bush fire prone land maps that trigger the consideration of bush fire protection measures are quickly outdated in rapidly developing areas resulting in the need for unnecessary assessments.

### **Proposed reforms**

Work has commenced on the following matters to:

- introduce a process to expedite the updating of bush fire maps in release areas
- approve bush fire planning outcomes at subdivision stage, removing the need for further assessment on a site-by-site basis.

In the interim, the Rural Fire Service (RFS) will issue:

- guidance for councils and proponents to clarify when bush fire assessments prepared as part of a rezoning can be used for subsequent development applications to reduce duplication and cost
- best practice guidelines for the development industry to identify where 'in principle' agreements for master plans can be obtained to streamline subsequent approval processes.

The RFS will also continue to provide council development assessment staff with training and information to assist in the assessment of development applications on bush fire prone land by implementing a further program of training for council staff in priority release areas in *Planning for Bush Fire Protection*.

### **BIODIVERSITY**

Biodiversity assessment can affect housing delivery if threatened species assessments are left to the end of the planning or development application process, instead of being addressed upfront when the land is rezoned. This is further complicated by the duplication of requirements under state and Commonwealth legislation leading to extended timeframes and greater costs to the development industry.

### **Proposed reforms**

The Growth Centres Biodiversity Certification and Strategic Assessment will be extended to cover State Significant Infrastructure, State Significant Development and Transitional Part 3A proposals in the Sydney Growth Centres.

Through the Council of Australian Governments (COAG) review process, the NSW Government is continuing to work with the Commonwealth Government to secure endorsement of state environmental assessment processes to remove the need for an ongoing Commonwealth role in detailed development assessments.

In the interim, Office of Environment & Heritage (OEH) and DP&I will commence work immediately to:

- identify impediments to the slow take-up of BioBanking and make it more efficient and easy to use

- test the Biodiversity Certification methodology on a priority land release site to ensure it is effective, identifies appropriate outcomes and is cost efficient
- prepare biodiversity offsetting principles to provide greater certainty for developers and infrastructure providers
- prepare an application to the state and Commonwealth Threatened Species Scientific Committees to make the threatened species lists consistent in high growth areas
- establish appropriate baseline information for high growth areas by developing a program to deliver and fund the fine scale vegetation mapping for identified high growth areas
- strengthen the rezoning gateway process to direct housing development away from highly sensitive environmental locations.

### **ABORIGINAL CULTURAL HERITAGE**

Aboriginal heritage assessments can impact on housing supply as multiple assessments are undertaken at rezoning and development application stage.

### **Proposed reforms**

OEH is currently reviewing the NSW *National Parks and Wildlife Act 1974* (NPW Act). This review will consider the issues of who can speak 'for Country' in relation to planning and development issues and the need for the investigation, management and permit processes to align with the significance of Aboriginal objects.

Further information about this reform process is available from the OEH website at:

<http://www.environment.nsw.gov.au/achreform/index.htm>

In the interim, policy and practice changes will be implemented to ensure the existing process is efficient and addresses issues at an early stage. This will provide certainty to both the development industry and secure the protection of areas of Aboriginal significance.

Work will commence immediately to:

- identify an approach for release area wide Aboriginal Heritage Impact Permits (AHIP) to be granted for priority release areas to provide greater certainty upfront and reduce costs and timeframes
- identify how studies undertaken for a rezoning can be used to inform the need for future Aboriginal cultural heritage assessments to provide greater certainty upfront and reduce costs associated with multiple assessments
- prepare factsheets and other information to promote and provide clarification of the current system to assist the development industry, local government and consultants more effectively use the current system, saving them time and money
- promote awareness of how the Aboriginal Heritage Information Management System (AHIMS) can be used to support housing supply projects
- develop a 'Priority Housing Development' approval process to facilitate assessment of AHIPs in zoned areas.

**Further Information**

As progress is made on the reforms and initiatives outlined in this circular, further information will be made available on the DP&I, OEH and RFS websites.

For further information please contact the Department of Planning & Infrastructure's information centre on 1300 305 695.

**Authorised by:**  
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**Director-General**

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**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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