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**Re: SSROC Submission: Discussion Paper NSW Housing Pattern Book Planning Pathways**

**1 Introduction**

The Southern Sydney Regional Organisation of Councils (SSROC) appreciates the opportunity to make a submission in relation to the targeted consultations on the Discussion Paper NSW Housing Pattern Book Planning Pathways that are focused on low-rise patterns. Thank you for agreeing to grant SSROC a short extension to enable this submission to be made.

SSROC offers in-principle support for the objectives of good multi-dwelling home design and graduated risk-based development assessment of these built forms contained in the Discussion Paper. However, we also seek to highlight issues and concerns around implementing some of the proposed core elements for further consideration, particularly in the many different contexts and communities that councils operate in.

The Southern Sydney Regional Organisation of Councils Inc (SSROC) is an association of twelve local councils in the area south of Sydney Harbour, covering central, inner west, eastern and southern Sydney. SSROC acknowledges the traditional custodians of the land on which we work and live, the peoples of the Darug, Dharawal and Eora Nations.

SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. Together, our member councils cover a population of about 1.8 million, one third of the population of Sydney, including Australia's most densely populated suburbs. SSROC seeks to advocate for the needs of our member councils and bring a regional perspective to the issues raised.

SSROC and its member councils have a strong interest in the effective supply and ongoing provision of housing in its communities and welcomes the opportunity to comment on the development of the NSW Housing Pattern Book Planning Pathways for low-rise patterns as outlined in the Discussion Paper.

SSROC is generally supportive of the Pattern Book in a majority of circumstances to encourage the delivery of well-designed and diverse housing forms.

SSROC has a particular interest in sustaining diverse and inclusive communities as they grow. Accordingly, we advocate for measures that will ensure that communities are well served by different sizes and types of homes that suit people's lifestyles and match household needs.

Of special interest to SSROC has been the promotion of well designed, affordable rental housing, that frequently takes the physical form of new low and mid-rise housing.

### **Working with Resilient Sydney**

Resilient Sydney is a collaboration of all 33 metropolitan councils of Greater Sydney to develop and implement a city-wide [resilience strategy](#), first published in 2018.

Over five years, SSROC has been collaborating with Resilient Sydney to help tackle the housing affordability problem, actively building support amongst metropolitan local councils for practical solutions to the lack of supply by examining a diverse range of measures to increase this housing, including the establishment of affordable housing contribution schemes through the NSW Planning system. This can help to create diverse housing options in most neighbourhoods.

Through mandatory affordable housing requirements in Transport Oriented Development (TOD) precincts and the affordable housing contribution bonuses contained in the Housing SEPP provisions, some of the low- and mid-rise housing produced through the Pattern Book pathway will become available to eligible lower income households as affordable rental housing.

## **2 Understanding of the Discussion Paper NSW Housing Pattern Book Planning Pathways and SSROC Comments**

The NSW Housing Pattern Book aims to accelerate low- and mid-rise housing delivery. Led by the Government Architect NSW, its development has involved experts from development, construction, planning, and architecture through targeted consultations and workshops.

The Pattern Book will feature designs and guidelines for terrace houses, dual occupancy homes, low-rise (up to 2 storeys) and mid-rise (3–6 storeys) apartments. These homes are designed to be adaptable, sustainable, affordable, and conceived to meet community needs at all life stages, from raising children to ageing in place. The initiative aims to increase diverse housing options where they are needed most, ensuring all designs meet the Liveable Housing Design Standard for accessibility. Pattern books have been used successfully worldwide and in NSW, with historic examples in Sydney, Newcastle, Orange, Bathurst, and Dubbo.

### **The Discussion Paper**

The document outlines planning pathways proposed for the NSW Housing Pattern Book and showcases the designs for dual-occupancy, terraces, multi-dwelling housing, and low-rise residential flat buildings. The purpose of the Discussion paper is to seek targeted feedback before making new provisions or amendments to introduce planning pathways for the NSW Housing Pattern Book.

The Pattern Book is a collection of designs for diverse housing types. It aims to promote the greater use of diverse housing types in our neighbourhoods, offering greater choice and options for different types of households and life stages. These Patterns are available for all members of the community including landowners, architects, builders and developers.

The Discussion Paper provides in chapter 3 a discussion about the proposed *Planning Assessment Pathway* and the rationale for a fast-tracked assessment. This details the proposed planning approval pathways to accelerate assessment of Pattern Book developments and where this policy will apply.

To enable a fast-tracked assessment, projects must be designed to meet pre-determined development standards that will achieve strategic planning goals and seeks to be consistent with what the community expects of new development. The Pattern Book aims to provide high quality designs to promote low- and mid-rise housing developments in areas that have been identified for housing growth. They have been designed and have been pre-assessed to be compliant with the requirements and development standards of the Transport Oriented Development and Low- and Mid-Rise policies, enabling their assessment to be fast-tracked.

Using pre-approved designs on unconstrained sites with common traits will help speed up approval times, provide more certainty for developers, and lower project costs. Fast-tracked assessments will be enabled for Low-rise Pattern Book developments by removing some steps in the standard DA process. These steps are proposed to be removed from assessment as the matters are already addressed in the Pattern Book designs.

Both a complying development pathway and a new streamlined DA pathway are proposed for Low-rise Pattern Book developments. Applicants will then be able to choose which pathway is more suitable for them considering the complexity of their site and how many changes they require to the Pattern. These pathways will sit alongside the standard DA pathway.

### **Complying Development Pathway**

It is proposed to allow Pattern Book development to be undertaken as complying development. The new provisions will apply for the following typologies:

- Dual occupancies,
- Multi-dwelling housing (terraces),
- Multi Dwelling Housing, and
- Low-rise residential flat building.

Key benefits include faster assessment times (typically from 10 to 20 days), reduced costs, and greater certainty for applicants. If a project does not meet all required standards, it must go through the regular DA process<sup>1</sup>.

‘To enable a fast-tracked assessment, projects must be designed to meet pre-determined development standards that will achieve strategic planning goals and are consistent with what the community expects of new development. The Pattern Book provides high quality

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<sup>1</sup> PBDP Page 10

designs to promote low- and mid-rise housing developments in areas that have been identified for housing growth. They have been designed and have been pre-assessed to be compliant with the requirements and development standards of the TOD and LMR policies, enabling their assessment to be fast-tracked.<sup>2</sup>

Certifiers or councils will assess the complying development application as usual in accordance with the requirements under the associated EP&A Act and the Regulations and issue a complying development certificate if all requirements are satisfied.

The Department's website Low and Mid-Rise Housing Policy - frequently asked questions states "all other applicable planning controls, such as in state environmental planning policies (SEPPs), Local Environment Plans (LEPs) and Development Control Plans (DCPs) continue to apply and operate as normal."

### **SSROC comment**

#### **Pattern Book complying development will irrevocably damage heritage conservation areas without necessarily bringing additional supply**

The eight low-rise development patterns and the LMR provisions of the Housing SEPP could well result in development that is incompatible with the character of areas adjacent to State and Local Heritage Items, as well as buildings within Heritage Conservation Areas. Through omission, the Discussion Paper will potentially permit the complying development certificate (CDC) pathway in heritage conservation areas (HCAs) and draft HCAs other than individually listed heritage buildings.

Currently, under the Codes SEPP, CDCs have very limited application in heritage conservation areas. It is important that this continues unchanged. The Discussion Paper is not explicit about this issue.

SSROC does not support Pattern Book CDCs be used in HCAs or draft HCAs. Land within these areas should remain excluded from the CDC pathway as they are for other types of housing in the Codes SEPP.

This proposed policy position accords with previous advice given by the Planning Secretary at the NSW Parliamentary Inquiry into Development of the Transport Oriented Development Program,<sup>3</sup> where she reinforced councils' continuing assessment role around development in heritage conservation areas and making judgements around the appropriateness of the development against their own LEP and DCP controls.

If Pattern Book CDCs were able to be issued in an HCA, there would need to be a mechanism in place to prevent a lower density development to occur on the site via a modification application or a new DA. Otherwise the objectives of the Low and Mid Rise Housing Policy and NSW Housing Pattern Book would not be met.

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<sup>2</sup> Ibid page 10

<sup>3</sup> REPORT ON PROCEEDINGS BEFORE PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT INQUIRY INTO THE DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM, Wednesday 24 July 2024, <https://www.parliament.nsw.gov.au/lcdocs/transcripts/3299/Transcript%20-%20PC7%20CORRECTED%20-%20Transport%20Oriented%20Development%20Inquiry%202024%20July%202024.pdf>, page 6

The introduction of the Low-Rise Pattern Book for Complying Development is likely to exacerbate the existing adverse impacts of the Codes SEPP on heritage values.

These provisions do not account for the context of development near heritage items, and the non-discretionary standards prevent proper assessment of potential impacts on adjoining heritage places. Similarly, buildings within Heritage Conservation Areas will be subject to inappropriate outcomes that undermine their historical and architectural significance.

We request that it be explicit that the Codes SEPP will exclude CDCs for Pattern Book housing in HCAs as it does for the Housing Code and Low Rise Housing Diversity Code under clause 1.19(1)(a). They may still be considered through DA pathways.

### **Recommendations**

Heritage Conservation Areas (HCAs) and draft HCAs should be excluded from Pattern Book CDC pathways to be consistent with Clause 1.19(1)(a) of the Codes SEPP which excludes the Housing Code and the Low Rise Housing Diversity Code.

Pattern Book housing developments in HCAs would be considered through the DA pathways.

### **Complying Development and Private Certification**

SSROC considers that the development of the Pattern Book with its emphasis on high quality design should also trigger a review of the current complying development provisions within the Codes SEPP, particularly for dual occupancy projects. These provisions have been in place for some time and often do not lead to good design outcomes, especially in cases where basements are proposed on flat sites.

The lack of detail in relation to the proposed Pattern Book Design Statement must be addressed and seek to improve the quality of applications approved by Private Certifiers.

### **Streamlined Development Application Pathway**

The Discussion Paper proposes a new approval pathway called *Streamlined DA*. It creates a more flexible approach using the Pattern Book where some of the requirements are varied to respond to unique site characteristics with customised responses.

The Streamlined DA pathway will apply in residential zones where the type of Pattern Book development proposed is permitted under the relevant LEP or a SEPP. The pathway will be available to development which has received a Pattern Book Design Statement.

The proposed pathway would introduce new requirements for a Pattern Book design statement to accompany a DA for Pattern Book development. The statement would be prepared by an architect or building designer outlining:

- which Pattern Book design the development has been used; and
- how the proposed development has been designed to be compliant with the development standards.

The Discussion Paper notes that the “consent authority will assess and consider the development application against the relevant provisions of the SEPP, LEP and DCP. Determining whether the proposed development is consistent with the Pattern Book will be central to the application of the Pattern Book controls and use of the streamlined assessment pathway<sup>4</sup>.” And furthermore, that the applicant ‘prepare documentation to support a development application, including any adaptations indicated on drawings and a Pattern Book design statement.’

The Discussion Paper proposes ‘that the streamlined DA pathway will not apply to high risk and other constrained land, including:

- heritage items
- bushfire prone land
- flood prone land in high-risk catchments
- land that is critical habitat, or an environmentally or ecologically sensitive area
- land identified as containing Class 1 or Class 2 acid sulfate soils
- significantly contaminated land
- unsewered land
- land affected by high aircraft noise
- land subject of certain coastal hazards
- land within proximity of a high-pressure pipeline.

### **SSROC Comment**

The Discussion Paper does not make explicit and clear the local councils’ role in the *Streamlined DA* pathway. It is implicit from the pathways title that like other development applications it would be an application for consent under Part 4 of the EP&A Act to carry out development. These are usually made to the local council. Standard DAs consist of standard forms, detailed plan drawings and a number of detailed documents (called ‘submission requirements’).

The roles and responsibilities of councils in the assessment of Streamlined DAs is a glaring omission in the Discussion Paper that needs to be quickly rectified with targeted consultations directed to local councils clarifying expectations on council planning and administrative staff and assessment fee arrangements.

Detailed guidance for consent authorities, applicants and the community will be required to understand the way the targeted merit assessment will be undertaken fairly and consistently.

It will be critical to define and describe thresholds for ‘high risk’ and ‘constrained’ land to avoid disputes with applicants and delays to assessments.

As noted in the Discussion Paper, applicants are to ‘prepare documentation to support a development application, including any adaptations indicated on drawings and a Pattern Book design statement’. Clear advice will be important for applicants to check that the Pattern chosen is actually appropriate for the project.

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<sup>4</sup> Discussion Paper, page 12.



### **The role of Design Statements in the Streamlined DA process**

The full purpose of the Design Statement is currently unclear, as is the weight this document will have as part of the assessment of a DA. However a requirement for a design statement to verify the correct use of the Pattern Book Design is supported.

Presumably the Design Statements will address the specific site context, including assessing the impact of the site's constraints on the suitability and fit of the proposed Pattern Book design using the Better Placed Principles.

The Design Statement would benefit from a template prepared by NSW GA/DPHI to ensure consistency and high-quality recommendations for councils and be signed by a recognised development professional. There is also a need for clarity about what happens if the designer considers the standards are met but the council does not agree.

### **Recommendations**

- A template should be available to ensure Design Statements have a clear objective and are consistent, for it to be a meaningful document to assist councils.
- The Design Statement should be certified by a registered design professional from a recognised industry association that does not represent developer interests.
- The assessment of a Design Statement should also be clear for Council staff, so they are not over-burdened with additional work and skill sets.

### **DA notification timeframes**

The difference between a Streamlined DA and Standard DA is not clear. For example, it is not clear if a Streamlined DA will have a different legal status than a Standard DA through changes to the EP&A Act and Regulations, such as exhibition requirements.

SSROC would propose not proceeding with taking options to minimise DA notification timeframes and requirements to renotify Pattern Book DAs in a new and untested assessment system.

### **Recommendation**

Defer steps to minimise DA notification timeframes and requirements to renotify Pattern Book DAs until the new assessment system arrangements have been reviewed and determined to be working effectively.

### **Pattern Book Timeline**

The Discussion paper notes that NSW Housing Pattern Book is being developed progressively including the staged finalisation and release of Low-rise and Mid-rise Patterns.

“The Department of Planning, Housing and Infrastructure (the Department) is currently conducting targeted engagement sessions to seek feedback on the proposal. Low-rise Patterns and related legislation are proposed to be released by mid-2025.

Applications for planning approval for Low-rise Patterns can be lodged shortly after. Mid-rise Patterns and related legislation are proposed to be released by late-2025.

Applications for planning approval for Mid-rise Patterns can be lodged shortly after. The NSW Housing Pattern Book will be released in digital format and will be maintained over time, including periodic updates or additions to the Patterns.”<sup>5</sup>

Each Pattern will contain an architectural drawing package to support submission for planning approval and more general guidance on the planning pathway, landscape design, sustainability, and other relevant topics<sup>6</sup>.

### **SSROC Comment**

Chapter 2 of the Discussion Paper mentions that the Department of Planning Housing and Infrastructure held targeted engagement sessions to gather feedback on the proposal. However, engagement opportunities with the Department should have been made available to all local councils and supported by workshops and webinars to provide a clear understanding of the proposed delivery of the Pattern Book.

As most local councils will not have been afforded an opportunity to provide feedback on the final proposed low-rise Pattern Book and the associated planning assessment pathway, it will be imperative that the final draft document(s) be formally and publicly consulted upon as an Explanation of Intended Effect (EIE) before adopting and publishing the Low-Rise Pattern Book and pathway in final form. The Discussion Paper only provides an ‘outline’ and a ‘summary’ and not the package of information and guidance that demonstrates flexibility for specific contexts.

This exhibition process will enable local councils operating in very diverse contexts to assess the likely impacts of the Pattern Book designs and variations, the fit with, and impact on, councils’ key roles statutory responsibilities and core business for integrated strategic place making, urban environmental protections and mitigations, setting development controls on adjoining sites, effective community service delivery and community infrastructure provision.

Furthermore, this proposed consultation period will provide an opportunity to co-design and test with Councils’ DA assessment staff and Certifiers and Private Principal Certifiers, the detailed assessment process, new technical guidance and plan the assessment training for the professionals delivering this new streamlined approach.

This engagement will be absolutely critical for avoiding negative, unintended consequences, delays to more complex assessments and costs on ratepayers and residents as well as those living in the new homes.

The consultation process will enable the testing of a range of alignments of the Pattern Book model designs and pathways, including identifying the need to adjust councils’ Development Control Plans; and ensuring that service continuity obligations for a range of essential council services can be effectively met in very diverse street contexts and topographies. The scope of this assurance process may involve confirming the fit and compliance with road, footpath and other transport rules and parking regulations as well as the local operations of waste collection and management.

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<sup>5</sup> NSW Government Architect Discussion Paper, *NSW Housing Pattern Book Planning Pathways* for low-rise patterns, March 2025, page 4.

<sup>6</sup> Ibid, page 6.



**Recommendation**

DPHI place the operational detail of the proposed (Low and Mid Rise) Pattern Book and assessment pathways on public exhibition as an EIE to seek council and other stakeholder input and to assure the public of effective and high-quality delivery of these transformative policies.

**Promoting housing diversity: but who can the Pattern Book designs assist?**

The NSW Government is acting to provide greater housing diversity and revitalise existing residential areas. This includes the recently released Low and Mid-Rise Housing policy and Transport Oriented Development (TOD) Program, and now the NSW Housing Pattern Book (Pattern Book).

The Discussion Paper further notes that ‘People want choice to live where they want and in a home that suits them through different stages of life, such as moving out of the family home, raising children, downsizing or ageing in place. To provide the community with options requires providing diversity in the types of homes in our neighbourhoods.’

**SSROC Comment**

SSROC strongly supports the objective of providing for a greater diversity of housing needs through the Pattern Book. Providing safe to use home that is accessible and suitable for older people and people with a disability with limited (and at times declining) mobility should be made a priority for the Pattern Book<sup>7</sup>. Mobility is closely tied to people’s sense of independence, but also social connectedness, activity and security (Health.vic 2015a). A person’s wellbeing can be considerably compromised by a mobility restriction. Every year, one in four older people experiences a fall (Healthdirect 2023)<sup>8</sup>.

Unfortunately, only one of the Low-rise Pattern Book designs (Low-rise Residential Flat Building, Design 1) included in the Discussion Paper provides accessible accommodation on a single storey for those with these particular housing needs. All of the other designs involve dwellings requiring the negotiation of stairs.

To help community members to successfully age in place there needs to be more of this type of accommodation.

**Recommendation**

Further Low-rise Pattern Book designs be urgently developed that are suitable for older person households with limited mobility to assist ageing in place and inclusion.

**Promoting good design outcomes for place**

As a positive objective, ‘the Pattern Book is to provide a collection of designs for diverse housing types. It aims to promote the greater use of diverse housing types in our

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<sup>7</sup> Restrictions in physical activities or work are common in people with disability of all age groups, but increase with age (12% or 75,000 of those aged under 25, 40% or 707,000 of those aged 25–64 and 46% or 892,000 of those aged 65 and over). [https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/people-with-disability/prevalence-of-disability#dis\\_type](https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/people-with-disability/prevalence-of-disability#dis_type)

<sup>8</sup> <https://www.ausmed.com.au/learn/articles/mobility-issues-and-limitations-aged-care>

neighbourhoods, offering greater choice and options for different types of households and life stages.<sup>9</sup>

The Government is working to ensure that the Pattern Book provides good design outcomes<sup>10</sup> and will sensitively consider impacts on the environment and neighbours.

The Discussion Paper notes, 'Using pre-approved designs on unconstrained sites with common traits will help speed up approval times, provide more certainty for developers, and lower project costs<sup>11</sup>.

### **SSROC Comment**

The uniform good housing design approach adopted also has some inherent limitations that need to be respected and acknowledged. The Pattern Designs are necessarily designed for a generalised site context. For example, the designs provided in the Discussion Paper all show flat, straightforward rectangular sites. However, all sites are different in some respects. The land value of the sites across Greater Sydney, and for that matter NSW, will vary markedly too. Land values will strongly inform a highest and best use approach in the market within the prevailing planning regulations to maximise project yields and shape project character and amenity.

Arguably the Government Architect NSW (GANSW) Better Placed Principles (Better Placed Principles) cannot in all instances be satisfied for a range of reasons.

Sites can vary markedly by a host of compounding factors that may make a preferred design not a good fit that is well suited for their specific context. These can include:

- Topography/the gradient of the slope of land
- Easements
- Narrow laneways and clearways
- Neighbouring noise and air pollution
- Sensitive hydrology of the water table
- Poor foundational circumstances such as landfill or substrata
- Heritage
- Preservation of critical tree canopy
- Solar access constraints
- Overlooking by neighbouring buildings
- Aboriginal heritage.

It will be important for the Pattern Book guidance prepared for councils, architects, applicants and developers to clearly identify a 'constrained site' that is unsuitable for a fast-tracked assessment of a Pattern and requires a standard DA assessment. Here the risk is high and more likely that key place outcomes will be seriously compromised unless mitigated by stepping away from the standard Pattern design. The fast-tracked assessment will have removed some steps in the standard DA process that would provide this further consideration, as the unmodified Pattern Book design will/may not have been able to adequately mitigate these risks.

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<sup>9</sup> NSW Pattern Book Discussion Paper page 6

<sup>10</sup> Ibid page 8.

<sup>11</sup> Ibid page 10.

### **Recommendation**

- The Pattern Designs note the types of sites that they are well suited to as well as those contexts in which they will struggle to perform well against the Better Placed Principles and require a Standard DA assessment to demonstrate compliance with council LEP and DCP requirements etc.
- Pattern Book guidance prepared identify and describe ‘constrained’ and a ‘higher risk’ sites that are unsuitable for a fast-tracked assessment of a Pattern and appropriate triggers for a standard DA assessment.

### **Urban heat**

The Discussion paper notes that ‘Designs will adhere to the requirements of BASIX and the State Environmental Planning Policy (Sustainable Buildings) 2022 so that Pattern Book housing is efficient and minimises energy costs for residents.’

### **SSROC Comment**

It is important that the Pattern Book homes are heat-responsive and can keep people safe from heat.

It is encouraging that the Pattern Book aims to provide sustainable, cost-effective designs, encouraging:

- the use of energy-efficient materials and construction methodologies to minimise energy bills
- green/passive building techniques to naturally heat and cool homes
- water-conservation measures
- reduced wastage in construction.

However, everything we build should be safe in a future climate.

WSROC in partnership with UNSW, WSP and councils delivered the [Future Proofing Residential Development](#) study which tested BASIX-compliant Western Sydney homes under future climate scenarios (this includes analysis of both current (2022) and previous BASIX standards). The study found that BASIX uses historical climate data which does not represent today’s conditions, or those we will experience in future. This means that the homes currently being approved under BASIX are neither energy efficient nor heat resilient. This results in increased energy network demand, higher household energy bills, higher residential emissions and increased health impacts.

### **Heat is the most significant climate risk to health and wellbeing in Greater Sydney.**

Heatwaves are associated with increased mortality<sup>12</sup>. There is a need to review climate data and governance framework of BASIX to ensure it is delivering the intended energy and emissions reductions. However, given the time lags in changing BASIX to improve standards, other interim measures need to be taken, if the Pattern Book is to be adopted shortly in 2025.

Today’s homes become thermally unsafe during extreme heat without air-conditioning.

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<sup>12</sup>

[https://ro.uow.edu.au/articles/journal\\_contribution/Mortality\\_Burden\\_of\\_Heatwaves\\_in\\_Sydney\\_Australia\\_Is\\_Exacerbated\\_by\\_the\\_Urban\\_Heat\\_Island\\_and\\_Climate\\_Change\\_Can\\_Tree\\_Cover\\_Help\\_Mitigate\\_the\\_Health\\_Impacts\\_/27816102](https://ro.uow.edu.au/articles/journal_contribution/Mortality_Burden_of_Heatwaves_in_Sydney_Australia_Is_Exacerbated_by_the_Urban_Heat_Island_and_Climate_Change_Can_Tree_Cover_Help_Mitigate_the_Health_Impacts_/27816102)

## Recommendations

- Introduce thermal safety standards for Pattern Book designs. This means homes can maintain survivable conditions even if power is lost. All new development under the Pattern Book is designed to respond to climate projections for the different NSW climate to 2050 to ensure that dwellings remain thermally safe for occupants in a warming climate. This will reduce community vulnerability to a warming climate as well as avoiding a future scenario where we are heavily reliant on mechanical cooling.
- If the current BASIX standards are to be used for the Pattern Book designs, the designs be adjusted and adapted to incorporate air-conditioning to ensure occupant safety in extreme heat.

## Waste management

The Discussion Paper notes that 'Location of waste storage is incorporated in the Pattern designs, minimising impacts to the streetscape. Allowance for waste solutions has been designed to suit a range of Local Government Area (LGA) requirements'<sup>13</sup>.

### SSROC Comment

Effective waste management arrangements on site and in the adjacent streets will be critical to local councils, residents and ratepayers. Ultimately, they will be critical to the success of the Pattern Book initiative. It will be critical to avoid serious functional design failures that will compromise liveability and significantly devalue these homes. While the Pattern Book designs appear to have included waste storage facilities in appropriate locations, the drawings provided are not sufficiently clear to determine their adequacy. Councils are liable for incidents occurring on their roads and footpaths and therefore have legitimate concerns about potential trip hazards and obscured sight lines for traffic safety and fire sources.

The Pattern Book needs to consider and plan for the NSW Government Food Organics and Garden Organics (FOGO) mandate and rollout to be in place for households by 1 July 2030.<sup>14</sup> This mandatory requirement may increase the size and number of bins to be stored on-site, which in turn has amenity impacts and potentially for the Building Code of Australia (BCA) and other servicing needs. [GANSW must consider the implications of these FOGO mandates when developing the mid-rise patterns and related legislation for the more complex 3-6 storey designs, and specifically consult council waste planning experts to understand these implications].

The next exposure draft of the Low rise detailed designs should make the waste solutions clear for each Pattern Book design (with their variants) and aim to assure councils of adequate provision.

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<sup>13</sup> Discussion Paper page 13

<sup>14</sup> FOGO mandates and rollout | EPA <https://www.epa.nsw.gov.au/Your-environment/Recycling-and-reuse/business-government-recycling/Food-organics-and-garden-organics/fogo-mandates-and-rollout#:~:text=The%20NSW%20Parliament%20has%20passed,a%20smooth%20and%20effective%20transition.>

As the Low- and Mid- Rise Housing and TOD precincts are overlayed on existing street patterns of many different configurations, garbage truck access may be problematic in some instances, particularly in older suburbs with narrow lanes and limited turning circles. Garbage collection vehicles can also vary in size and configuration from LGA to LGA.

The next exposure of draft Pattern Book designs, and the related requirements for applicants, should clarify and quantify the minimum waste management requirements needed:

- The number of household bins and their minimum dimensions, noting that this can vary from council to council
- Confirm that the bin storage locations are accessible in the front yards or side passages.
- The minimum road width required for safe, compliant kerbside garbage removal by a standard garbage truck operations noting that vehicle type and dimensions can vary from council to council.

Using a table listing each house design's waste capabilities and constraints could effectively capture this information for stakeholders.

### **Recommendation**

The full draft of the Pattern Book designs explicitly detail how minimum waste management storage (showing minimum dimensions) and collection requirements will be met in a range of residential and local government contexts.

### **Identifying the sites where the Pattern Book designs require a standard Development Approval**

The Discussion Paper notes that applicants will then be able to choose which pathway is more suitable for them considering the complexity of their site and how many changes they require to the Pattern.

### **SSROC Comment**

Without clarity about the differences of the two types of DAs (standard and streamlined), there will be risks in the process including uncertainty for who makes the decision about the classification of a DA assessment, when the assessment decision is made, and what the process would be if Council does not agree with the classification made by an applicant.

In particular, it is not clear what the process for assessing a Streamline DA would be, and how the assessment will be minimised as these DAs would still need to be assessed under clause 4.15 of the EP&A Act to consider the impact of a proposal.

It is assumed that there will be non-refusal standards for Streamlined DA where there is little or no flexibility sought in the design, and if so, this should be made clear.

It will be important for Pattern Book Guidance to clearly state where the standard DA application is appropriate due the complexity of the specific site and the scope and size of the proposed changes required to the Pattern. As a minimum, this advice should include a set of principles for the assessment authority to make an informed determination.

**Recommendations:**

- (a) A clear definition of a *Streamline DA* needs to be provided. This should include: whether it will have a different legal status to that of a Standard DA; what aspect of the assessment process would be different to a Standard DA; who makes the decision if a DA is Streamlined; when is this decision made; and, what happens if there is disagreement.
- (b) Where flexibility is sought for a Pattern Book design, DCP provisions must not be switched off, to ensure site conditions and impacts of a varied pattern are properly assessed.

**New planning changes impacting on Councils' staff and resourcing**

Critically the Discussion Paper flags some potentially very large changes to the administration of NSW Planning system that are likely to impact on council operations in the near future, in 2025.

However, much of the finer grain detail of the proposed prescribed assessment processes are not provided in the Discussion Paper.

It will:

- extend the Complying Development pathway. It is proposed to allow Pattern Book development to be undertaken as complying development.
- introduce a new Streamlined DA assessment pathway with special rules and considerations, where the Pattern Book development does not meet the requirements to be complying development.

**SSROC Comment**

SSROC calls for greater consultation with local councils prior to implementation of new assessment pathways to enable councils to better assess the impacts of the pathway changes on their council's planning staffing and certifiers, systems and any resultant administrative and training requirements prior to finalisation, through a public EIE or similar public consultative mechanism.

The next level of detailed implementation of the assessment pathways should be co-designed with local councils.

The introduction of a new code-based or scheme streamlined pathway for DA assessment with related legislation will change the planning system, making it more complex but also hopefully more responsive. It is proposed that the legislation supporting the Pattern Book be drafted flexibly to facilitate further change over time and also enable other code-based schemes developed by local councils to be potentially supported in the future.

**Recommendation**

- The detailed implementation of the assessment pathways should be co-designed with local councils before the commencement of the new assessment pathways.
- The adoption of streamlined assessment pathway reforms in a format that can be expanded to cover other projects beyond pattern book designs (and their codified standards) -ultimately referencing future Council code based schemes.



### 3 Conclusion

Thank you for the opportunity to make a submission in relation to the targeted consultations on the *Discussion Paper NSW Housing Pattern Book Planning Pathways* focused on low-rise patterns. We appreciate the opportunity to collaborate with the Department and NSW Government Architect.

SSROC offers its provisional support for the core objectives of the Pattern Book aimed at increasing the supply and diversity of new housing, provided that such development upholds the highest architectural standards and promotes the retention of a place's unique landscape character and the established tree canopy.

SSROC does, however, have some serious concerns about this transformative initiative's potential implementation.

This submission seeks to constructively highlight issues and concerns around implementation of some of the core elements that require further consideration or explanation. The Discussion Paper flags some very large changes to the NSW Planning system's development assessment pathways that are likely to impact directly on council operations in the near future<sup>15</sup>, in 2025.

There is uncertainty around how the Pattern Book and the proposed streamlined assessment pathways will integrate into the current legislative framework and its relationship to the Codes SEPP. Furthermore, as the Planning Minister, Paul Scully, says "This is one of the first times a government has paired a pattern book with an accelerated planning pathway anywhere"<sup>16</sup>. It is important to get this untested integrated approach right.

As most local councils will not have been afforded an opportunity to provide feedback on the final proposed low-rise Pattern Book and the associated planning assessment pathway, it will be imperative that the final draft documents be formally and publicly consulted upon as an EIE before the changes are adopted and published for use. Time will need to be allowed for local councils and private certifiers to adapt their processes and train their staff if an accelerated pathways is to deliver good housing outcomes.

As an integral part of Greater Sydney, SSROC and its member councils have a direct interest in supporting and advocating for changes that will build more sustainable and inclusive communities, help to retain Greater Sydney's essential workers and enhance the productivity of local businesses in metropolitan Sydney.

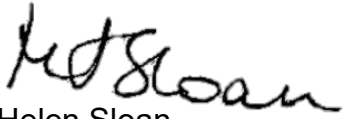
In order to make this submission within the prescribed timeframe, it has not been possible for it to be reviewed by councils or to be endorsed by a formal meeting of SSROC Delegates. I will contact you further if any issues arise as it is reviewed. If you have any queries, please do not hesitate to contact me or Mark Nutting, SSROC Strategic Planning Manager on 8396 3800, or [ssroc@ssroc.nsw.gov.au](mailto:ssroc@ssroc.nsw.gov.au).

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<sup>15</sup> Reported to be June 2025 in the Daily Telegraph 17 April 2025, <https://www.dailytelegraph.com.au/news/nsw/nsw-government-architect-reveals-her-own-housing-pain/news-story/e2de4fb969c380c7f206bf8bae5b43a2>

<sup>16</sup> Ibid

Yours faithfully



Helen Sloan

**Chief Executive Officer**

**Southern Sydney Regional Organisation of Councils**