

## Comments on Codes SEPP – Northern Region

In the Northern Region we have received various comments from Councils, some of which have good cause for concern, in regards to certain clauses in the Codes SEPP. We have been asking Councils to contact the Codes team, but have also been fielding phone calls. We were hoping that some of these issues would be addressed in an early amendments to the SEPP, however none of the issues we have raised have been included in this amendment.

We would ask that the following be included in this amendment as these concerns seem well justified, and of wide ranging impact in our region.

1. Boundary adjustments – Cl 2.75 (b)(iii) – this clause relates to boundary adjustment of undersized lot or lots, at the last SEPP amendment the wording was changed to include *“...and that lot or lots will only increase in size at the completion of the subdivision)...”* If there are two undersized lots undertaking a boundary adjustment, both now have to increase in size. This is unachievable. Can this wording please be amended so that the clause can be used.
2. Savings provisions – Cl 1.13 – These provisions only relate to a development application or complying development certificate (1.13(1)). There are no savings provisions for a subdivision certificate, the former amendments to the SEPP resulted in a number of subdivision certificates being prepared, some even submitted, but then were unable to be processed because of the lack of transitional provisions. Could we suggest that subdivision certificates are included in the list of transitional provisions?
3. Detached studios in rural zones – 3A.5 – The definitions now include detached studios as ancillary development. The definition of detached studio includes that it must be habitable (there seems to be nothing which specifically prevents it being independently habitable except that it may then be defined as a dwelling house). Cl 3.33 applies in the General housing code and limits the floor area of these studios, provides side and rear setbacks and provides that there may only be one per lot. However there is no equivalent clause in the Rural Housing code.  
It is suggested that some controls be implemented to prevent these studios being built and retrofitted as dwellings, due to the minor amount of works required to convert unlimited size ‘studios’ to dwellings.
4. Hardstand spaces – Cl 1.5 – The definition of *‘hard stand space’* includes that it must be *‘designed solely for parking a motor vehicle’*, however Councils have been receiving plans showing, or otherwise noticing, these spaces used for the parking of boats and caravans. The definition is not reflected in the development standards, which do not (and should not) include what will be parked on these spaces in the future. Can the definition please be amended to remove this restriction.