

Changes to General Exempt Development Code and introduction of a draft 'Inland Code' for complying development in inland NSW

Frequently Asked Questions

March 2016

What is the State policy for exempt and complying development?

- *State Environmental Planning Policy (Exempt and Complying Development) 2008* (the Policy) commenced in 2009.
- The Policy applies State-wide and allows for certain types of development to be carried out as exempt (without approval), or complying development (projects that can be fast-tracked through the approval process).
- There are currently 12 exempt and complying development codes set out in the Policy, which include controls for a range of developments such as residential, commercial and industrial.

Why is the Department reviewing the exempt and complying development controls that apply to regional and rural areas of NSW?

- The Department of Planning and Environment (the Department) continuously monitors and reviews the Policy to ensure that it is helping to reduce red tape, save time, and cut development costs for homeowners and businesses.
- The current Policy applies across the State (with some minor exceptions), including all rural and regional local government areas (LGAs).
- The proportion of residential complying developments approved is significantly lower for inland NSW compared with the metropolitan areas of Sydney, Newcastle and Wollongong.
- For inland NSW, complying development certificates account for only 25 per cent of all single dwelling development consents, compared with 44 per cent in the Sydney metropolitan area.
- Stakeholder feedback suggests that this is because the Policy is difficult to understand and doesn't respond to the differences in 'built form' between development in inland NSW and development in metropolitan areas.
- The Department's review of exempt and complying development controls for inland NSW aims to:
 - ensure that the State policy for exempt and complying development recognises and responds to the differences in 'built outcomes' between metropolitan and inland NSW
 - increase take-up of complying development in rural and regional NSW
 - make complying development simpler and easier to understand for all stakeholders

What are the key recommendations of the review?

- A background paper – *A Review of Complying Development for Inland NSW* – was prepared to support the review of exempt and complying development controls for regional NSW.
- The paper includes a number of recommendations to help improve the way the development controls operate.
- Key recommendations include:
 - development of a new 'Inland Code', which will apply to all residential complying development in 83 LGAs west of the Great Dividing Range (meaning the existing General and Rural Housing Codes should no longer apply to these LGAs)

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- amending the General Exempt Development Code to provide more flexible controls for farm buildings (and silos) across all of NSW.
- The background paper and the proposed controls have been developed with the support of regional councils, industry stakeholders and Local Government NSW.

What are the key changes to complying development in the draft Inland Code?

- It is proposed that the draft Inland Code will be written using plain English and structured in an easy-to-use format with explanatory diagrams to assist with interpretation.
- The background paper also recommends:
 - removing complex or unnecessary development standards such as the site coverage, articulation zone and principal open space controls
 - providing consistency with the Standard Instrument LEP by adopting the gross floor area definition
 - simplifying the complicated setbacks clauses.

What are the key changes to exempt development in the Policy?

- The proposed amendments to the General Exempt Development Code will apply across NSW. They will:
 - expand the size of farm sheds that can be erected without planning or building approval in line with recent changes to the *Building Code of Australia*
 - provide clearer and simpler exempt development standards for other agricultural development such as private stockyards, silos and grain storage bunkers that allow for the size and scale of farm buildings that can be carried out as exempt development to be determined based on the size of a total land holding, as opposed to a single lot.

What are the benefits of providing new controls for regional and rural NSW?

- The purpose of simplifying residential complying development in regional areas is to:
 - make approvals for low impact, straightforward building projects easier and faster for homeowners and businesses in rural and regional NSW
 - remove barriers to housing delivery to meet NSW's growing population
 - increase investment certainty
 - create greater flexibility and clarity for agricultural businesses in rural zones across NSW
 - reduce red tape for homeowners and small businesses
 - reduce costs for homeowners and small businesses, increasing feasibility
 - reduce determination times for assessing low impact developments
 - free up council resources for local matters.

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What if my council area is not west of the Great Dividing Range?

- The changes to the General Exempt Development Code to include farm buildings, grain storage bunkers, and silos will apply across NSW.
- However, if you are in a council area that is not subject to the new Inland Code, the current rules for complying development will continue to apply.

Where can I see and comment on the proposed changes?

- You can view and comment on the proposed changes at:
 - www.planning.nsw.gov.au/proposals
 - the Department's Information Centre, 23-33 Bridge Street, Sydney.
- You can make a submission by:
 - responding online at: www.planning.nsw.gov.au/proposals
 - emailing codes@planning.nsw.gov.au
 - writing to the Director, Policies and System Implementation, GPO Box 39, Sydney, NSW 2001
- Submissions will close on 13 May 2016.
- All submissions will be made public in line with the Department of Planning and Environment's objective to promote an open and transparent planning system. If you would like the Department to delete your personal information before publication, please make this clear in your submission. Before making a submission, please read the Department's privacy statement at www.planning.nsw.gov.au/privacy

Where can I find out more?

- Call our Information Centre on 1300 305 695.
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email information@planning.nsw.gov.au