

10 May 2016

Director – Planning, Policies and System Implementation
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

Subject: Exhibition – A Review of Complying Development for Inland NSW

I am writing in response to your invitation to review and comment on the NSW Department of Planning and Environment's (DPEs) Background Paper titled: *A Review of Complying Development for Inland NSW*.

AlburyCity supports the draft amendment to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, which seeks to improve the uptake, clarity and performance of complying development, especially where there are opportunities to reflect the different development outcomes and community expectations in rural and regional areas as opposed to those prevailing in metropolitan NSW.

AlburyCity provides the following specific comments:

1. Section 4.1: Site Coverage & Floor Area


Support the proposed adoption of the Standard Instrument definition of 'Gross Floor Area' as this ensures consistency across a number of different planning policies. Also support the proposed adoption of a single gross floor area standard that applies to all buildings on-site (dwelling houses, outbuildings and ancillary structures), so long as a maximum floor area is provided for outbuildings to ensure that these structures do not dominate the development of the site or are out of proportion with the principal dwelling on-site.

2. Section 4.1: Landscaped Area

Support the proposed standards with regards to landscaped areas as these simplify the current landscaping controls.

3. Section 4.2: Building Height

Generally support the building height and location controls for rural dwellings, which requires dwellings to be located 5m below the ridgeline of hills where the site exceeds a gradient of 1:5.



Notwithstanding, AlburyCity is concerned that this control is proposed to only apply to properties that exceed 4ha in size.

Whilst it is appreciated that properties less than 4ha are smaller in size and the opportunities for locating dwellings on site becomes more difficult, the visual impacts of development on steep terrain or visually prominent locations, such as ridgelines, is still considered significant and warrants protection in this instance.

4. **Section 4.3: Side Setbacks**

Strongly support a revised approach to side setback requirements, including the use of a 0.9m side setback for ground level developments and the adoption of a building envelope requirement for two storey developments. This approach is much simpler than the current process and is consistent with a number of rural and regional Council's Development Control Plans.

Support is also given to the retention of existing rural and R5 zone side setback controls, being 2.5m for lots less than 4,000m² and 10m for lots greater than 4,000m². Moreover the removal of built to boundary requirements (with the exception of outbuildings) is also supported, as these are not common development types within rural and regional NSW.

5. **Section 4.4: Articulation Zone**


Whilst it is appreciated that the block sizes in inland regional NSW are on average larger, it is noted that many building designs utilise articulation elements (namely portico entries) that protrude forward of the front building line into the articulation zone. By removing this allowance, the entire dwelling will need to be shifted backwards to accommodate this building element or alternatively these articulation elements may no longer be provided, which would have a detrimental impact upon the streetscape. For this reason it is recommended that the current controls remain.

6. **Section 4.5: Private open Space**

Whilst it is acknowledged that recent housing trends have seen an increase in the provision of private open space, it is still considered important that a requirement be included within the SEPP to require the provision of private open space for the amenity of residents. Notwithstanding, it is recommended that the maximum gradient requirement for private open space be removed to ensure a wider application of complying development.

7. **Section 4.6: Garages**

Support the need to control the appearance and size of garages, particularly given their impacts upon the streetscape. It is acknowledged however, that within rural and regional areas, triple



garages are more commonplace. Therefore support is given to the provision of controls to cater for this form of development, where they are located 1m behind the forward wall of the dwelling.

Support is also given to the restriction on driveway widths at the front property boundary, given their visual impact upon the streetscape.

8. ***Section 4.8: Farm Sheds & Outbuildings***

Generally support the more flexible approach to farm buildings and sheds in rural areas, including the expansion of exempt development for farm buildings from 200m² to 500m² in size and the provision of farm buildings above 500m² up to 2,500m² in size as complying development.

Support is also given to the introduction of exempt development controls for 'Stock Holding Yards' and 'Grain Storage Bunkers & Silos' as these are other common development types within rural areas.

9. ***Section 5.2: Summary of Proposed Complying Development Standards***


Table 3 of the Background Paper provides a summary of the proposed Complying Development standards. Notwithstanding, it is noted that several of the controls summarised in this table have not been discussed within the Background Paper, including:

- Rear setbacks;
- Privacy controls;
- Balconies, decks, patios, terraces and verandahs (maximum heights & areas);
- Outbuildings; and
- Swimming pools.

Clarification is sought as to why there is no discussion provided in the Background Report regarding these matters and whether they are intended to remain the same as currently contained within the SEPP.

10. ***Section 5.3: New Exempt Development Standards for Buildings***

It is noted that this section states that the Inland Code will only include Complying Development provisions; however Section 5.4 of the Discussion Paper outlines a number of proposed exempt development controls. Clarification is sought as to whether these will be the subject of a separate amendment to the general exempt development controls in the future.



If you would like to discuss any aspect of this submission, please contact Council's Town Planning team on 02 6023 8285.

Yours faithfully



Michael Keys

Director

Planning and Environment