

**Your Reference:** Inland Housing  
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12 May 2016

Director, Policies and System Implementation  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney, NSW 2001

Dear Madam/Sir

### **Review of Complying Development for Inland NSW**

Please find attached a copy of the submission on behalf of Yass Valley Council on the State Environmental Planning Policy (Exempt and Complying Development Code) 2008.

I number of proposed amendments to the SEPP are of concern, as outlined within the submission.

I previously raised similar concerns regarding consultation in my submission to the proposed expansion of the SEPP (Medium Density Housing), in that the participants in the regional forum and reference group do not truly represent the concerns and context of areas like the Yass Valley because of the difference of character, population and development pressure. Yass Valley is a rural council of which 86% of its total land area is rural land - yet despite this, we experience significant pressure for rural 'lifestyle' housing due to our strategic location adjacent to Canberra. Albury, Dubbo, Orange, Wagga Wagga, and Tamworth are regional centres with populations exceeding 41,000 plus but they would have far less demand for rural lifestyle – with the majority of their growth locating within their centres.

It is also again of concern that the Department has commissioned a Metropolitan Planning Consultant, who appears to have limited understanding of the wide ranging impacts these changes may have in rural areas. There also seems to be confusion over the need to be consistent with the provisions of Standard Instrument LEP's.

The review should also look at broader reasons for lower uptakes of CDC's in regional areas, such as the difficulty for many people to use the Electronic Housing Code (EHC). This comes down to the availability of training for certifiers in regional areas as well as the ease of use of the EHC – it is a common comment in our LGA that it is easier to lodge a DA than use the EHC.

It is also frustrating that these review documents are not exhibited in our Southern Region Office at Queanbeyan, and we request that Councils in our region are more actively involved in consultation in the future.

Yours sincerely



Liz Makin

**Strategic Planning Manager**

**PROPOSED INLAND HOUSING CODE**

STANDARD	COMMENTS
Height of Building	<p>It would be logical to use the same approach to the 'Height of Building' standard as for the Minimum Lot Size. If a Council has set a height within a SI LEP, it needs to be given effect for complying development instead of introducing a different standard – i.e. Height of Building standard within LEP <u>or</u> 8.5 metres.</p> <p>Councils have undertaken their own strategic studies which relate to the unique local character of an LGA including the skyline, vista, built form, environment and heritage. It is therefore not appropriate to set an arbitrary height which may contradict an LEP standard.</p> <p>While it is acknowledged that the current provisions requiring dwellings to be 5 metres below the ridgeline of any hill within 100 metres may be confusing, the proposed standard is also problematic. It is unlikely that many certifiers will go into this level of detail, and it is also questionable whether high quality contour maps are available for all rural areas.</p>
Maximum site coverage	<p>The deletion of this standard is supported as it would eliminate duplication where other standards can achieve similar objectives in limiting the maximum floor area.</p>
Maximum floor area	<p>In principle, the use of 'Gross Floor Area' may be appropriate however its introduction is questioned when Council's have already incorporated Floor Space Ratio's in their LEP's. It would be appropriate to use the same term/standard across all Environmental Planning Instruments. Is it proposed to repeal all LEP provisions relating to FSR's? As an example, how will a site be assessed when zoned R1 in Yass with a FSR of 0.5:1, and the Inland Code specifies a GFA of 65%?</p>
Landscaped area forward of building line	<p>The importance of a landscaped area forward of building line is acknowledged by the requirement of 25% or 50% landscaped area if lot frontage is &lt;18 metres or &gt;18 metres respectively.</p> <p>The remaining 75% or 50% would either go to backyard or along the sides of building (as indicated in Figure 12). Therefore it would be appropriate to have similar explicit standard (minimum dimensions?) for the backyard/ rear landscaped area otherwise there may be an unintended consequence of more landscaped areas ending up in service areas along the side of buildings.</p> <p>This is particularly important if the standard relating to Principal Private Open Space is deleted.</p>
Primary road setback	<p>The proposed reduction of the Primary Road setback from 50 metres to 10 metres in RU1 and RU2 Zones is of significant concern. The standard does not account for classified roads in these zones (There is some reference to 'Listed' roads however Council's Engineers and Regional RMS office could not provide us with a definition).</p> <p>Locating dwellings close to roads in Rural areas will be an issue for a number of reasons:</p> <ul style="list-style-type: none"> <li>– Rural Views/ Vistas: Many LGA's contain significant rural landscapes and it is not appropriate to introduce a standard which will undermine and conflict with a Council's local landscape values, particularly along main roads.</li> <li>– The 50 metre setback is only proposed on unsealed roads, when in reality the impacts are even greater for those on classified roads. For instance, this would permit dwellings within 10 metres of roads such as the Barton, Federal and Hume Highways. Has this proposal been referred to NSW Roads and Maritime Services? It is considered irresponsible to allow dwellings to be constructed this close to roads carrying traffic at speeds in excess of 100 km/h, when there are no requirements for noise attenuation or similar to address possible</li> </ul>

	<p>health issues.</p> <ul style="list-style-type: none"> <li>– Locating the dwellings in close proximity to these classified roads may also present issues in the future with road widenings, and the need to acquire dwellings.</li> </ul> <p>While some LGA's may not have the same pressure for dwellings in Rural Zones, Yass Valley accommodates a high proportion of residential 'lifestyle' overflow due to our proximity to the ACT. It is anticipated that this pressure will be exacerbated once our Minimum Lot Size is reduced to 40ha in the RU1 and RU2 zones (<i>Dept's Ref: PP_2013_YASSV_003_00</i>)</p> <p>It is also questioned how such a minimal setback could be considered to satisfy the Rural Lands SEPP 2008 (10) which sets out matters to be considered for the siting of rural dwellings?</p>
Rear setback	The suggested standards are acceptable, however there is a discrepancy in the review summaries – one summary ties the setback to zones and the other only to lot sizes(below and above 4000sqm)?
Principal private open space	There is no issue in deleting the private open space standard, considering the landscaped area and setback standards would achieve the same outcome. <u>But</u> the private open space standard must be retained for multi dwellings as proposed in the 'Expanding Complying Development SEPP' discussion paper ( <i>page 38</i> ) if that SEPP is approved.
<b>Outbuilding</b>	
Front setback	See comments above on Primary Road Setback. 'Behind the building line' can be difficult to quantify in a rural situation where a dwelling does not address the road.
Side/Rear setback	<p>A zero boundary setback is not appropriate for outbuildings in the R5, RU1-4 context, and there is no need to have a building on the boundary given the lot size.</p> <p>The outbuilding side/rear setback standard should be consistent with those of the dwelling.</p>
<b>Farm buildings</b>	
Height of building	12.5 metres is excessive, and will allow for buildings which are dominant in the rural landscape. There is no controls on materials (i.e that they be non-reflective), nor is there any requirement to set them back further from classified roads.
Gross Floor Area (All farm sheds on site)	A GFA of 2500m <sup>2</sup> is excessive when combined with building heights up to 12.5 metres, and setback only 20 metres from a primary road. This could have a disastrous visual impact on rural areas. Areas of the Yass Valley form 'gateways' into the Nation's Capital and also incorporate scenic open landscapes along major road corridors.
Setbacks	The 20 metre setback from a primary road is unreasonable, considering the range of rural land uses, scale and utility of the building. It would be more appropriate to retain a 50 metre setback from the primary road.
Excavation and Fill	<p>The proposed alterations to the excavation and fill provisions – particularly in the Rural Zones are concerning. Removing the 'does not extend more than 1.5 metres from any external wall of the dwelling house' may have significant environmental implications - increasing the risk of sedimentation, impact land fertility and potentially threatening biodiversity.</p> <p>The proposed changes do not appear to incorporate any other limit on the area of fill which can be undertaken. Removing the 1.5 m restriction, could potentially enable up to 1 metre of fill to be placed over an entire rural lot (e.g. 40ha) providing it is setback 1 metre from the boundary.</p> <p>While these amounts of fill or effects may seem excessive, Yass Valley is currently</p>

	<p>experiencing severe impacts from the current <u>exempt</u> provisions which allow up to 600mm to be placed on the land.</p> <p>Our large areas of rural land combined with our proximity to Canberra with an active construction industry results in large amounts of fill being placed over rural land. Attached is a paper which outlines the issue (with photos) in detail.</p> <p>Your attention is also drawn to the draft ACT and Region Catchment Strategy 2016-46 which includes the following relevant actions which the Inland SEPP should give effect to:</p> <ul style="list-style-type: none"> <li>i) <i>Develop a regional approach to strategic land and biodiversity management practices.</i></li> <li>ii) <i>Mitigate soil erosion at priority sites.</i></li> <li>iii) <i>Consider regional approaches to dealing with contaminated land and illegal dumping of contaminated waste.</i></li> </ul> <p>As such, it is considered far more critical to address the cumulative environmental impacts of excavation and fill on rural land than simply focussing on facilitating the construction of a terrace located more than 1.5 metres away from a dwelling.</p>
<b>NEW EXEMPT DEVELOPMENT</b>	
<b>Farm buildings</b>	
Height of building	<p>See comments above on height.</p> <p>Also check the values of this standard as the figure on page 44 does not match that given in the summary table. (i.e. is it 12 or 12.5 metres?)</p>
Gross Floor Area	<p>Check the values of this standard as the figure on page 54 does not match that given in the summary table. i.e. Up to 4 ha -100m<sup>2</sup> and &gt;4ha -500m<sup>2</sup>?</p>
Setbacks	<p>See comments above</p>