



30 June 2017

Executive Director, Planning Policy
NSW Department of Planning &
Environment
GPO Box 39
SYDNEY NSW 2001

Contact: Martin Johnson
Our Ref: DOC2017/039655
Your Ref:

Attention: Ms Elizabeth Kinkade

Dear Ms Kinkade

Review of Complying Development in Greenfield Areas

I refer to your invitation for Cessnock City Council to comment on the review of Complying Development in Greenfield Areas. Council thanks the NSW Department of Planning and Environment for the opportunity and provides the following comments.

Comments Relating to Background Paper

Identified Barrier – Roads Act Approvals

Although Cessnock City Council supports the suggested streamlined approach to Roads Act approvals, concern is raised regarding the consideration of sloping sites when issuing “*in principle*” approval for driveways obtained at the masterplan or subdivision stage. Steep sloping sites may prevent the ability to incorporate footpaths into driveways, due to the cross fall requirements for footpaths conflicting with grade requirements for driveways.

It is suggested that an “*in principle*” approval should not be given on properties fronting sloping land with a slope greater than a grade that is not supportive of achieving a driveway incorporating a footpath.

Local Government Act Approvals (on-site effluent disposal systems or an on-site stormwater drainage system)

Clause 1.18(1)(d) of the *State Environmental Planning Policy (Exempt and Complying Development) 2008* requires that before a Complying Development Certificate (CDC) is issued, the development must have an approval for an on-site effluent disposal system if the development is undertaken on unsewered land. Onsite wastewater management is concerned with environmental protection and public health and is often the determining factor whether land is suitable for a proposed development.

The review of complying development in greenfield areas applies to urban release areas accommodating densities of urban proportion. On-site effluent disposal systems are only suitable where access to sewer mains are not feasible and the density of development is typically on lots greater than 4,000m² per dwelling (approximately 2.5 dwellings per hectare). Greenfield areas are typically planned at a density that is much higher than 2.5 dwellings per hectare, achieving densities closer to 12 dwellings per hectare. Furthermore, planning for most greenfield areas would normally include the provision of water and sewer infrastructure, normally provided and connected to a water authorities system

Council has concerns about supporting the options proposed to reduce delays in the issue of CDC's caused by Section 68 approvals under the Local Government Act. The proposal to impose a S68 assessment processing timeframe does not appear to be based on evidence and is not supported. Typically onsite wastewater issues on small sites are very contentious and require specialised advice which may take time. Whilst we appreciate the intention is to fast track the delivery of housing this should not be at the expense of public or environmental health which would lead to costs to residents and local government to ensure compliance down the track.

Comments Relating to Explanation of Intended Effects

Lot Width

Currently, the lot width is measured at the front setback line. Front setback lines are not always perpendicular to the side boundary, resulting in an actual lot width that is less than the front boundary length.

Lot width should be measured as the shortest distance between the two side boundaries measured at the front point of the side boundary that is closest to the rear boundary.

Side Boundary Setbacks

Two side setbacks (side A and side B) are proposed, one for either side of each property, whereby each side can only be side A or side B and are to be nominated by the applicant, or determined by the adjacent development. Side A typically allows a zero metre setback at ground level, increasing to 1.5 metres for the upper level, while side B typically requires 0.9 metre setback, continued as it rises to the upper level.

The built form outcome proposed by side B has potential for greater overshadowing impacts than side A. Rather than leaving the choice of side A and side B to the applicant, it is preferable to nominate side A to be associated with the southernmost facing boundary, reducing the impact of overshadowing.

Landscape Controls

The Department of Planning and Environment are commended on the introduction of landscaping controls. These are considered to be a very important inclusion on reducing the impact that complying development can have on the character of an area.

With the above comments in mind, Council is supportive in general of the future direction in relation to complying development in greenfield areas.

If you require any further information, please do not hesitate to contact Council's Strategic Land Use Planning Manager, Martin Johnson on telephone 02 4993 4229.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Gareth Curtis', is written over the typed name.

Gareth Curtis
Director Planning and Environment