



HOUSING INDUSTRY ASSOCIATION



# Housing Australians



**Reforming Building & Planning Laws**

Submission to the  
Department and Planning & Environment

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

13 May 2016



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## ABOUT THE HOUSING INDUSTRY ASSOCIATION

The Housing Industry Association (HIA) is Australia's only national industry association representing the interests of the residential building industry, including new home builders, renovators, trade contractors, land developers, related building professionals, and suppliers and manufacturers of building products.

As the voice of the industry, HIA represents some 40,000 member businesses throughout Australia. The residential building industry includes land development, detached home construction, home renovations, low/medium-density housing, high-rise apartment buildings and building product manufacturing.

HIA members comprise a diversity of residential builders, including the Housing 100 volume builders, small to medium builders and renovators, residential developers, trade contractors, major building product manufacturers and suppliers and consultants to the industry. HIA members construct over 85 per cent of the nation's new building stock.

HIA exists to service the businesses it represents, lobby for the best possible business environment for the building industry and to encourage a responsible and quality driven, affordable residential building development industry. HIA's mission is to:

*"promote policies and provide services which enhance our members' business practices, products and profitability, consistent with the highest standards of professional and commercial conduct."*

The residential building industry is one of Australia's most dynamic, innovative and efficient service industries and is a key driver of the Australian economy. The residential building industry has a wide reach into manufacturing, supply, and retail sectors.

HIA develops and advocates policy on behalf of members to further advance new home building and renovating, enabling members to provide affordable and appropriate housing to the growing Australian population. New policy is generated through a grassroots process that starts with local and regional committees before progressing to the National Policy Congress by which time it has passed through almost 1,000 sets of hands. Policy development is supported by an ongoing process of collecting and analysing data, forecasting, and providing industry data and insights for members, the general public and on a contract basis.

The association operates offices in 23 centres around the nation providing a wide range of advocacy, business support including services and products to members, technical and compliance advice, training services, contracts and stationary, industry awards for excellence, and member only discounts on goods and services.



## 1. INTRODUCTION

HIA has a long association with the current State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP) and it is a critical element in working to improve the timely and effective delivery of new housing in NSW.

HIA has previously provided ongoing support and recommendations to the Department to assist in improving and expanding the Code SEPP. The merit-based development approval process in NSW has over the years been a frustrating process for our members. The ability of homeowners to access a more appropriate breadth of exempt and complying development will encourage development and remove the time delays and expenses associated with the current development approval pathway through councils.

The 'Inland Code SEPP' has the ability to create significant improvements for the housing industry, and hence home owners, through:

- the changes to improve design standards for many development types;
- the reduction of red tape, save time and reduction in costs;
- the increased use of complying development for single dwellings; and
- clearer and refined controls for rural structures as exempt development such as silos and grain storage bunkers including farm buildings.

The Code SEPP is one of the most significant pieces of planning legislation in NSW for the residential building industry. The development of the Code SEPP a decade after the introduction of complying development created a consistent pathway for home builders and their customers to choose when dealing with the red tape and requirements involved in new home construction. The proposed Inland Code is welcomed and it is hoped it will vastly improve the uptake of complying development and fill the gap created by the current Code SEPP for rural dwellings.

The housing industry sees the ongoing improvement and expansion of the Code SEPP as a rural specific code as critical to the orderly and cost effective delivery of planning and building approvals in NSW and hence housing affordability. The draft Inland Code SEPP should be introduced and treated as an integral and significant part of the planning and building system.

The current Code SEPP has been subject of a number of reviews but this approach to have a specific Inland Code SEPP has the potential to see a vast improvement in approval times throughout rural areas and provide a reduction in red-tape currently imposed by councils through complex Development Control Plans.

HIA has been involved in providing ongoing support and recommendations to the Department of Planning and Environment to improve the operation of the complying development in rural areas. The ability of homeowners to access a more appropriate breadth of complying development for rural areas will encourage use of the streamlined pathway and should remove the time delays and expenses often associated with merit approvals through councils.

The Housing Industry Association (HIA) would like to provide the following comments to the Department in relation to the Discussion Paper.



## **2. PROPOSED DESIGN CONTROLS**

### **2.1 SITE COVERAGE, LANDSCAPED AREA AND FLOOR AREA**

#### **2.1.1 Floor Area**

The proposed minimum floor area standards are considered appropriate.

#### **2.1.2 Site Coverage**

The proposed removal of site coverage as a development control is appropriate.

#### **2.1.3 Minimum Landscape Area**

The intended provision of landscaped area under the revised table is appropriate.

There may be merit in clarifying that landscaped areas include those in front of the building line and the relationship where the property has a secondary road frontage and hence setback. The diagram on page 31 does this in part, however to avoid uncertainty it would be useful to address both design scenarios.

### **2.2 BUILDING HEIGHT**

The proposed maximum building height of 8.5 metres for dwelling houses and 4.8 metres for out buildings is appropriate.

The house on a ridge control should be demonstrated in the code by a diagram, similar to the one contained in the discussion paper (page 33) and should clearly depict any variations that may occur in topography i.e. slope criteria - hill or ridgelines.

### **2.3 SET BACKS**

#### **2.3.1 Side boundary setbacks**

The side boundary setbacks have been a problematic provision to understand when topography and variation in boundary lines have occurred. HIA is not a supporter of building envelopes under the current Housing Code, but for rural areas where lot sizes are larger and the land is reasonably level, a building envelope may be acceptable.

The proposed ground floor side boundary setback of 900mm, and for a first floor addition, an angled 45 degree height plane at a height of 3.0 metres above the boundary gives a clear development control for lots that are typically 18 to 24 metres in lot width. Clear and precise diagrams showing dimension and variations of a building envelope would be helpful as per page 35 of the discussion paper.

It is also noted that eaves and gutters of a proposed first floor addition can possibly encroach the envelope as displayed in the discussion paper – figure 14. This should be permitted and clearly conveyed in the controls as a permitted encroachment.

#### **2.3.2 Rear Setbacks**

The proposed rear setback is confusing and should be clarified. The summary table appears to suggest a 3 metre setback for a single storey dwelling and an 8 metre setback for a two storey dwelling. It may be more appropriate to control this based on lot size and it is sensible to have regard to the landscaped area which will clearly play a role in reducing dwellings being located too close to a rear boundary in the majority of circumstances.

### **2.3.3 Privacy controls**

The first set of privacy controls appear to apply to a single storey dwelling or the ground floor of a two storey dwelling. It is unclear if these controls are a suite of three or whether they apply individually. HIA would not support a requirement that a window with a sill height less than 1.5 metres which is screened by a dividing fence any distance from the window and not 1m above the external ground level requiring a privacy screen.

Where the side boundary is a secondary road frontage these controls should also not be applied.

It is also considered worthy to introduce provisions in both Code SEPPs that recognise the use of obscure glass, particular for ground floor windows, as an effective means of creating privacy.

## **2.4 ARTICULATION ZONE**

The removal of an articulation zone is supported.

## **2.5 PRIVATE OPEN SPACE**

The removal of a separate private open space provision in parallel with the landscaped area requirement is supported.

## **2.6 GARAGES**

The majority of the provisions for garages are supported. However, consideration should be given to the removal of the provision for a 1.0 metre setback behind the front building elevation for a third garage where the frontage is 24 metres or greater.

In terms of perceived garage dominance this is generally not a significant matter in rural areas, in particular on lots with a 24 metre or greater frontage. The discussion papers notes that these designs would be less than 50 per cent of the lot width and even with a 9 metre garage width, on these lots, the frontage would be well below 50 per cent.

It is noted that the summary table does not include reference to lots 24 metres or greater and this should be clarified if the intention is to limit this provision to those lots. If the intention is to allow this variation on other lots HIA would support some alternative approach based on lot widths.

It is also presumed that this standard applies to all zones unlike the current rural code. This should be clarified to avoid uncertainty. It may be appropriate to have an alternative standard in RU1-4 zones where larger lots exist.

## **2.7 EXCAVATION AND FILL**

The removal of restrictions that prohibit outdoor terraces from being created where fill would extend more than 1.5 metres beyond the building footprint of the dwelling are supported.

The lifting of the restriction of fill to a height of 1 metre outside the building footprint in areas not adjoining the boundary is supported, along with the proposed controls for retaining walls.

## **2.8 FARM BUILDINGS**

The new provisions that allow a farm building to have a maximum floor area 500m<sup>2</sup> as an exempt development will give more scope to land owners and regularize what appears to be common practice in rural areas.

The inclusion of farm buildings up to 2500m<sup>2</sup> as complying development is also supported.

It is unclear why the RU5 and R5 zones are excluded from these requirements. These zones should be included to be consistent with the current approach for both exempt and complying development.

### **2.8.1 Silos and Grain Storage Bunkers**

As acknowledged by the background paper, the need for the construction of private silos is necessary. The intent of the background paper to allow exempt development to cover silos and grain storage bunkers and provide separate development standards is well-intentioned.

## **2.9 OTHER MATTERS**

### **2.9.1 Storm water**

The Department should consider the issue of storm water connections where development plans have provided information on the storm water location and connection to councils existing storm water line, which connects to the street system, is proposed. Currently certifiers must check this matter with council before granting a complying development certificate which can take between 5-10 days despite council's infrastructure not being affected.



### 3. CONCLUSION

Tailoring a new and separate Complying Development Code for Inland NSW that includes residential and rural zoned land with a site area of at least 200m<sup>2</sup> will assist rural communities in having more flexibility and freedom to utilize complying development in place of the current standards that have been tailored to metropolitan areas.

Overall, the proposed Inland Code is supported and offers an important improvement for the residential building industry in terms of certainty, cost and reducing bureaucratic red-tape. The Department must ensure that the proposed development standards are non-discretionary and that conditions are worded in plain English and unambiguous.

Furthermore, the use of diagrams should be fully exploited to detail development standards and the possible variations the standard may generate on various building types. This is critical to supporting the successful application of the Inland Code SEPP. Notwithstanding the desired uptake of the code, what is just as important is the removal of enquiries levelled at councils and or the Department to provide interpretation of the requirements.

Inland and regional builders and certifiers often find themselves in a dilemma as to the use of the current Code SEPP and more often not being unable to utilise the current exempt and complying development SEPP for simple developments in remote areas and standard rural residential housing.

HIA looks forward to working with the Department to finalise the development of this specialised Code and to supporting its implementation across inland and regional NSW in the future.

