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The Director  
Policies and System Implementation  
GPO Box 39  
Sydney, NSW 2001

By email: [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)

Dear Director,

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

Thank you for the opportunity to provide a submission on this matter. I provide this letter as a submission on behalf of Australia ICOMOS.

Australia ICOMOS – the Australian committee of the International Council for Monuments and Sites (ICOMOS) – is Australia's key non-government professional organisation for cultural heritage practitioners and practice. Since its formation in 1976, Australia ICOMOS has been committed to improving conservation philosophy and practice for culturally significant places. It is one of over 100 such national committees throughout the world. Australia ICOMOS has over 600 members working in a range of heritage professions. We have expert members on a large number of ICOMOS International Scientific Committees, as well as on expert committees and boards in Australia. For further background, please refer to [australia.icomos.org](http://australia.icomos.org).

**Introduction**

The discussion paper contains a rationale for changes. While wishing to reduce red tape and delays, the changes proposed could easily have unintended consequences if there is no requirement for oversight or monitoring.

The benefits of providing new controls for regional and rural NSW are said to be to '*make approvals for low impact, straightforward building projects easier and faster for homeowners and businesses*' and '*increase investment certainty*' (Background Paper –Review of Complying Development for Inland NSW, 2015). But the main beneficiaries will be developers of new housing in rural towns and on their fringes as a simplified standard code will lead to greater uniformity. At the same time there will be a significant cost – the loss of the regional and individual sense of place and character. NSW has very distinct regional differences and these landscapes need to be protected for their own intrinsic worth, distinct natural and cultural values and a range of economic values including tourism.

**Rural towns**

Simplifying residential complying development in regional areas could lead to cramped clusters of residential subdivision on the peri-urban fringe next to farms/edges of towns, particularly 'the Great Colorbond Wall of Australia', in tan/white/blue/red/etc, announcing cheaper housing and detracting from both the adjacent rural landscape and town approaches.

Within existing towns many large blocks are being subdivided and the loss of gardens with mature shady trees providing amenity and habitat for wildlife is noticeable. Rural towns are not 'urban' in the metropolitan sense and while tick-box planning fast-track approvals might seem like an improvement to

some, the result could be an overly-suburban squeezed uniform development of no charm or positive addition to the streetscape. The site coverage changes will create a new suburbia in rural towns – while the point of a move from crowded metropolitan high or medium-density housing is a hankering for space, soil, garden/outlook, clean air and water – not a 0.9m gap to a neighbouring house, two storeys tall, covering 65% of each block. This is not ‘country living’, but suburbia.

On the other hand, the provision of a standard to limit the undesirable urban design impacts of garage doors dominating the streetscape is applauded. Careful placement and arrangement of garaging is needed to retain and improve streetscapes, by breaking up monotonous patterns. Often traditional housing had garaging behind the front facade ‘line’ of the house, set back on the block. This pattern leaves spaces and views between and beyond houses.

Street-front garages, especially double or triple, quickly ‘wall out’ the streetscape making it suburban or urban – again hardly appropriate in rural towns, where space is more generous, leaving more options to accommodate cars, vehicles, sheds etc.

### **Rural zones**

We endorse the statement (p.33) *‘On rural zoned land, visual impact is often key a merit assessment criteria with respect to the location of the dwelling house. It is considered best practice that to preserve the visual character of rural areas that dwelling houses are not located on dominant ridgelines.’* We support the proposed change to add slope criteria as this will assist in determining where this standard is applicable. But this should apply to all lots irrespective of size as there could already be lots less than 4ha on ridgelines surrounding rural towns – a huge house on one of these could be very intrusive for a long view, as could a huge house on top of small rises or hills.

More care is needed over the apparent assumption that rural equals urban in terms of seeking tick-box planning fast-track approvals. While there may well be ‘high level’ overlaps of issues in these zones, rural is not urban or even semi-urban. Protecting productive soil, fertility, run-off/absorption, the ability to use machinery to apply chemicals/ irrigation/ planting/ weeding /harvesting without neighbours’ objections, is vital to ongoing farming and horticultural industry viability, ongoing job provision in these sectors. This needs independent assessment, traditionally supplied by trained, experienced planning staff.

Heritage places within rural zones will continue to be considered separately under their own provisions for a ‘*merit assessment*’ (p.15) which is welcome. However, more care is needed on rural properties where there is obvious potential heritage value and the place is not LEP-/SHR-listed for whatever reason. There are a number of such reasons – poor/inadequate information/heritage study, lack of Council support or understanding, owner opposition. Often the heritage ‘assets’ of rural areas are a major attraction for domestic and other tourism and cultural development in their regions. This asset or ‘attraction’ is often under-valued and overlooked in Council planning, budgets, promotion and awareness.

Heritage places are most at risk from unconsidered development such as exempting the placing of huge new sheds close to historic fabric, perhaps making the latter redundant or ‘ruined’ which then fast-tracks its lack of maintenance, demolition and loss. This in turn all contributes to the loss of authenticity/integrity and self-repeating cycles in planning assessments of statements such as *‘it can’t be listed as it has lost its integrity or is full of ugly modern structures’*.

Often the patterning of rural property complexes is a part of their ongoing development and inherent nature, hence significance – eg, a homestead with outbuildings such as yards, sheds, shearing shed, shearers’ or workers’ quarters, kitchen block, office, stables, blacksmith’s shop etc. New sheds and structures can add to this pattern, but care is needed with scale, design and materials to ensure new additions are complementary and not overbearing or dominating.

While the diagram on p.56 shows minimum setbacks of houses from silos, stockyards or neighbouring dwellings, it all depends on the topography and careful siting for shade, runoff, slope etc. This needs independent assessment on site before anything is placed in the landscape. Even larger bulk grain dumps, while often low in the landscape, have ancillary structures and access roads and should be more than 100m from the nearest dwelling.

### **Additional Matters**

We urge rapid identification of all pre-World War 2 era properties to assess likely candidates for heritage protection. The Heritage Council of NSW in recent years has had a priority listing theme for identifying World War 1 & 2 era properties, reflecting the importance of this era to state, regional and local

development and communities. The huge interest in 2015 in the Centenary of Anzac is but one example of the wide community interest and acceptance of the centrality of war and peace to so many lives.

## **Conclusion**

In summary, we are deeply concerned that haste to impose these over-simplified codes of exemption will lead to greater uniformity and loss of the diversity of regional character and local sense of place – that is, of the highly valuable and varied rural landscape of NSW country towns and rural properties. This could have an adverse knock-on effect on regional investment, confidence, tourism and cultural development. We encourage deferring the finalisation of this process to allow more time to review and revise the draft Exempt and 'Inland Code' for complying development.

Australia ICOMOS would be happy to discuss issues raised in this submission. Please contact us via email at [austicomos@deakin.edu.au](mailto:austicomos@deakin.edu.au) or by telephone +61 3 9251 7131.

Yours faithfully

A handwritten signature in black ink, appearing to be 'MS Kerime Danis', written over a horizontal line.

**MS KERIME DANIS**  
**President, Australia ICOMOS**