

Ref No: **Submission draft Inland Code**
Contact: **Ethan Davies**

13 May 2016

Policies and System Implementation
NSW Planning & Environment
GPO Box 39
SYDNEY, NSW 2001

RE: REVIEW OF COMPLYING DEVELOPMENT FOR INLAND NSW

Wagga Wagga City Council appreciates being provided the opportunity to provide comment on the review of Complying Development for Inland NSW and the associated draft Inland Code.

Council supports the review of current codes under the State Environmental Planning Policy (Exempt & Complying Development) 2008 to align development controls with the needs of regional and rural communities.

Please find attached Council's submission provided in tabulated format and if you seek any further clarity with regards to this correspondence please do not hesitate to contact me on 6926 9510.

Yours sincerely,



Colby Farmer
Manager Development Services

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STANDARD	CURRENT GENERAL HOUSING CODE (CURRENT)	RURAL HOUSING CODE (CURRENT)	INLAND CODE (PROPOSED)	WWCC COMMENTS
Min lot size	200m ² 6m wide	Min lot size for dwelling house in LEP or other EPI – otherwise. RU1,-4, RU6, R5 - 4000m ²	Min lot size for dwelling house in LEP or other EPI, otherwise - 200m ²	Supported, using applicable LEP or EPI is appropriate
Height of Building	8.5m	R5 Lots <4000m ² – 8.5m RU1,2,3,4,6 & R5>4000m ² - 10m	8.5m	Supported
Maximum site coverage	Varies with lot	R5 lots <4000m ² – 30%	Delete	Supported
Maximum floor area	200-250m ² 90% >250m ² -300m ² 85% >300m ² -450m ² 270m ² >450m ² -600m ² 330m ² >600m ² -900m ² 380m ² >900m ² 430m ²	Dwelling house R5 lots <4000m ² -430m ²	>200m ² -400m ² 75% >400m ² -700m ² 65% >700m ² -1000m ² 50% >1000m ² 500m ²	Supported, >400m ² and beyond most relevant to Wagga Wagga LGA
Landscaped Area	200m ² -300m ² 10% >300m ² -450m ² 15% >450m ² -600m ² 20% >600m ² -900m ² 30% >900m ² -1500m ² 40% >1500m ² 45% (Min width 1.5m)	R5 lots < 4000m ² – 45% (min width 2.5m)	200-400m ² 15% >400-700m ² 25% >700-1000m ² 35% >1000-1500m ² 40% >1500m ² 60% (Min width 1.5m)	Good planning outcome, possible disincentive for applicants to use CDC for development consent as WWDCP not as prescriptive

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Landscaped area forward of building line.	<18m 25% >18m 50%	R5 lots	50%	Supported
Primary Road Setback	Average within 40m or 200m ² -300m ² 3m >300m ² -900m ² 4.5m >900m ² -1500m ² 6.5m >1500m ² 10m	R5 < 4000m ² Average within 40m or 10m If no houses within distance. R5 ≥4000m ² 15m RU4 30m RU1,2,3 50m	R1-4 & RU5 Average within 40m or 4.5m 10m to listed roads R5 & RU1-4 10m on RU1-4 zoned land 50m to unsealed roads	Supported
Secondary Road setback	200m ² -600m ² 2m >600m ² -1,500m ² 3m >1500m ² 5m	R5 <4000m ² 5m R5 ≥4000m ² or 10m RU1,2,3,4,6	R1-4 & RU5 If lot width <18m 3m >18m 5m R5 & RU1-4 10m	This condition will remain ineffective without clear guidance/definition of 'primary road frontage' 'secondary road frontage' and to which side 18 metres is measured
Side Setbacks	200m ² -600m ² 2m >600m ² -1,500m ² 3m >1500m ² 5m	R5 <4000m ² 5m R5 ≥4000m ² or 10m RU1,2,3,4,6	R1-4 & RU5 If lot width <18m 3m >18m 5m R5 & RU1-4 10m	Supported

This control should be maintained within residential zonings, some regional councils have urban release areas where the articulation zone would be applicable and appropriate,

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	habitable room facing and visible from a secondary rd.			WWCC is one of these LGAs, WWCC believes in these circumstances the control encourages good design and promotes the amenity of streetscapes.
Garages	<p>Primary Rd Setback</p> <p>Setback $\geq 4.5m$ 1m behind building line</p> <p>$< 4.5m$ 5.5m from boundary</p> <p>Lot Width Garage Width $> 8m$ $\leq 2m$ 3.2m wide</p> <p>$> 12m$ 6.0m wide</p> <p>Lot width $< 8m$ garage access only from secondary rd. parallel rd. or lane.</p> <p>Hardstand 2.6m x 5.4m</p>	<p>Applies to R5 lots $< 4000m^2$</p> <p>Primary Rd Setback</p> <p>Setback $\geq 4.5m$ 1m behind building line</p> <p>$< 4.5m$ 5.5m from boundary</p> <p>Frontage Width Garage Width $> 15m$ 50% width of building</p> <p>$< 15m$ 60% width of building</p> <p>Max opening no more than 6m wide</p> <p>Hardstand 2.6m x 5.4m</p>	<p>Garage door setback 1m behind building line.</p> <p>Max width of garage door 6m</p> <p>Additional 3.2m garage door may have frontage to street if setback set back further 1m.</p>	Supported, not inconsistent with existing WWDCP controls
Car parking	<p>At least 1 space on a lot which house is erected (may be a hardstand, carport or garage)</p> <p>Lot width $< 8m$ Off street parking not required</p> <p>$> 8m$ 1 Off street parking space required</p> <p>Alterations and additions- 1 off street parking space must be retained.</p>	<p>Zone R5 $< 4000m^2$</p> <p>At least 1 space on a lot on which a house is erected(may be a hardstand, carport or garage)</p> <p>Alterations and additions- 1 off street parking space must be retained.</p>	<p>At least one space behind the front building line – car space and access to space to comply with AS2890.1</p>	Supported
Privacy controls	<p>Privacy screen required for windows:</p> <p>Privacy screen required for windows when:</p> <p><input type="checkbox"/> Habitable room FFL $> 1m$ above existing ground level</p> <p><input type="checkbox"/> Sill $< 1.5m$ from FFL</p> <p><input type="checkbox"/> Located $< 3m$ from side or rear boundary</p>	<p>Zone R5 $< 4000m^2$</p> <p>Privacy screen required for windows when:</p> <p><input type="checkbox"/> Habitable room FFL $> 1m$ above existing ground level</p> <p><input type="checkbox"/> Sill $< 1.5m$ from FFL</p> <p><input type="checkbox"/> Located $< 3m$ from side or rear boundary</p>	<p>Privacy screen required for windows when:</p> <p><input type="checkbox"/> Habitable room FFL $> 1m$ above existing ground level</p> <p><input type="checkbox"/> Sill $< 1.5m$ from FFL</p>	Supported

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	<p>OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> Habitable room FFL > 3m above existing ground level <input type="checkbox"/> Sill < 1.5m from FFL <input type="checkbox"/> Located 3m - 6m from side of rear boundary <p>Does not apply to bedroom windows < 2m² Privacy screen required for balcony, deck, terrace, patio > 3m² when:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Setback < 3m from side or rear boundary with floor level > 1m <input type="checkbox"/> Setback 3m - 6m from side or rear boundary with floor level > 2m 	<p>OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> Habitable room FFL > 3m above existing ground level <input type="checkbox"/> Sill < 1.5m from FFL <input type="checkbox"/> Located 3m - 6m from side of rear boundary <p>Does not apply to bedroom windows < 2m² Privacy screen required for balcony, deck, terrace, patio > 3m² when:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Setback < 3m from side or rear boundary with floor level > 1m <input type="checkbox"/> Setback 3m - 6m from side or rear boundary with floor level > 2m 	<p><input type="checkbox"/> Located < 3m from side or rear boundary</p> <p>OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> Habitable room FFL > 3m above existing ground level <input type="checkbox"/> Sill < 1.5m from FFL <input type="checkbox"/> Located 3m - 6m from side of rear boundary <p>Does not apply to bedroom windows < 2m² Privacy screen required for balcony, deck, terrace, patio > 3m² when:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Setback < 3m from side or rear boundary with floor level > 1m <input type="checkbox"/> Setback 3m - 6m from side or rear boundary with floor level > 2m <p>Privacy screen required for balcony, deck, terrace, patio > 3m² when:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Setback < 3m from side or rear boundary with floor level > 1m <input type="checkbox"/> Setback 3m - 6m from side or rear boundary with floor level > 2m 	
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Principal Private open space	<p>Lot width 6m - 10m - 16m² Lot width > 10m - 24m²</p>	<p>Lot R5 < 4000m² – 24m²</p>	<p>Delete</p>	<p>Whilst it is recognised a large proportion of property in regional and rural areas inherently meets the control due to size of available land, the control works and in instances is applicable.</p>

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				There seems little reason to delete the control in its entirety.
OUTBUILDINGS				
Maximum GFA	>200-300m ² 36m ² >300-600m ² 45m ² >600-900m ² 60m ² >900m ² 100m ²	R5 lots <4000m ² – 500m ² for agriculture 100m ² for other use	10% lot area to max 100m ² 35m ² for habitable rooms (detached studios)	Supported
Height	4.8m	Outbuilding 4.8m Shed/farm building 7.0m	4.5m (farm buildings separated)	Supported
Front setback	Behind building line	R5 < 4000m ² Average within 40m or 10m if no houses within distance. R5 ≥4000m ² 15m RU4 30m RU1,2,3 50m	Behind building line	Supported

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Side / Rear Setback	Side- Same as dwelling house					
	Lot width	Height	Setback			
	6m-10m	0m-5.5m	0.9m	Agricultural use- 10m Other uses - 5m	0.9m Or 0m and 45o building envelope measured 3m over side boundary if masonry construction.	Supported
	6m-10m	>5.5m-8.5m	= (building height- 5.5m)/4+0.9m			
	>10m-18m	0m-4.5m	0.9m			
	>10m-18m	>4.5m-8.5m	= (building height- 4.5m)/4 +0.9m			
	>18m-24m	0m-4.5m	1.5m			
	>18m-24m	>4.5m-8.5m	= (building height- 4.5m)/4+1.5m			
	More than 24m	0m-8.5m	2.5m			
	Lot Area	Height	Setback			
	200m ² - 300m ²	0m-3.3m	0 ¼ height >3.3m			
	300m ² - 900m ²	0-3.8m >3.8m	0.9m 0.9+ ¼ height >3.8m			
	900m ² - 1500m ²	0-3.8m >3.8m	1.5m 1.5+ ¼ height >3.8m			
	>1500m ²	0m-3.8m >3.8m	2.5m 2.5+ ¼ height >3.8m			
FARM BUILDINGS						
Land use zones				R5, RU1, RU2, RU3, RU4, RU6	RU1, RU2, RU3, RU4	Supported
Height of building				Shed/farm building 7m	<4000m ² - 7m >4000m ² - 12.5m	Supported

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Gross Floor Area (all farm sheds on site)		Zone R5 < 4000m ² 500m ² for agricultural use	Land holding <20ha- 2.5% land holding to maximum 2500m ²	Supported
Setbacks		Side and Rear Setback- 10m	Primary Road: 20m Side and rear boundary: 10m Waterbody (natural) 50m	Supported