



PO Box 492, Bega NSW 2550
P. (02) 6499 2222
F. (02) 6499 2200
E. council@begavalley.nsw.gov.au
www.begavalley.nsw.gov.au
ABN. 26 987 935 332
DX. 4904 Bega

Ref:

18 July 2018

Director, Codes and Approval Pathways
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam

Housekeeping Amendment to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)

Thankyou for the opportunity to review the proposed Housekeeping Amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). Council has reviewed the proposed changes and provide the following comments;

1. Deferred commencement CDC's

It is considered that further guidance should be provided by the Department of Planning in regards to the provision of Deferred Commencement CDC's. It is considered that there should be a time limit to when the subdivision is to be completed, similar to Deferred Commencement Consents which permits a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to those matters.

The current review would indicate that any deferred consent is open ended to when to be completed and is not consistent with the general consent provisions of 5 years. However, it is considered that Deferred Commencement CDC's should be limited to either 1 or 2 years.

Furthermore, concerns are raised with the wording "that the lot legally created is identical to the lot on which the CDC relates". Based on the use of the word "identical", if the allotment is 1m² different, who makes the call whether the lot is still "identical". The wording would lead to varying levels of interpretation and lead to variations that are not consistent with the intent of the Clause.

2. Fences in E4 zone

Council does not consider it appropriate to change the fencing requirements in the E4 zone. Much of the E4 zoned land is located away from residential zoned land with the aim of the zone "To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values". The placement of solid fencing like colorbond to a height of 1.8 metres is not consistent with this zone objective as it would impact on areas of both ecological and aesthetic values. Furthermore, this form of fencing would also have the potential to impact on other threatened fauna moving through these landscapes.

3. Rainwater Tanks (above ground in E4) zone

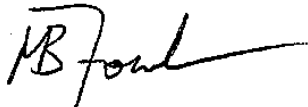
Council considers that the same provisions should also apply to the E3 zone.

4. Gym (recreation facility indoor)

It would be advantageous to see further clarification/definition detail within the EPIs of low impact recreation facility indoors land uses. This should consider further clarification on yoga studios (currently defined as recreation facility (indoor)) which are generally very low impact provided that car parking is available and not "hot yoga", could these feasibly be considered as exempt development,

If you would like to discuss any of the above, please call me on 64992107.

Regards

A handwritten signature in black ink, appearing to read 'M Fowler', with a long horizontal flourish extending to the right.

Mark Fowler
Senior Town Planner