



12 August 2016

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

E-mail: codes@planning.nsw.gov.au

Dear Director

Re: Proposed New Housing Code: State Environmental and Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016

The Southern Sydney Regional Organisation of Councils (SSROC) is an association of twelve municipal and city councils. SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. Together, our member Councils cover a population of over 1.6 million, or one third of the population of Sydney.

In order to make this submission within the timeframe of the review, it has not been possible for it to be reviewed by councils or to be endorsed by the SSROC, therefore, consider this submission a draft, and we will contact you further if any issues arise as it is reviewed.

The details of SSROC comments are as below.

GENERAL COMMENTS

SSROC welcomes the opportunity to contribute comments to the review of the State Environmental Planning Policy (Exempt and Complying Development) Amendment (Housing Code) 2016 hereafter referred to as the New Housing Code.

The SSROC Secretariat welcomes the intent of the New Housing Code to simplify the existing code, reduce the number of clauses that must be considered for each development type and ensure that the development standards can be found in one place. The intention for the development standards of one and two-storey dwellings to be well structured is commendable.

The exempt and complying development that allows property owners and businesses to carry out minor development that have little or no amenity and environmental impacts to be approved through a faster and cheaper process is also welcome if implemented well.

The process for the review of the General Housing Code should be more collaborative. An open-minded collaborative engagement and partnership with councils in the review exercise that goes beyond provision of comments, could lead to more responsive and generally accepted and respected New Housing Code.

Local councils vary in geographical location and character. From inner city councils, to shires and regional councils, one size fits all approach to setting housing code SEPP controls needs to be considered carefully to avoid mismatch and negative outcomes.

SPECIFIC COMMENTS

1. The arrangement of clauses by development type, lot size and category of development standards will make it easier to access control. Similarly, the use of illustrations and tables makes development standard easier to understand.
2. The New Housing Code has a tendency to result in one size fits all outcome and a situation where local character is substantially lost as new dwellings in all parts of Sydney look essentially the same. Local character defines places and make Sydney more likeable and diverse. It is important that the Department of Planning and Environment gives consideration to an option where the New Housing Code references the local Floor Space ration (FSR) controls rather than specify uniformly applicable FSR. It should be recognised that the local controls have statutory weight and are signed off by the State Government. Councils could find it frustrating to realise that the State Government would sign off on an LEP control as appropriate for the local area and then override it in a Sydney wide blanket instrument.
3. It is important to have the complying development requirements for all various housing forms contained in a single environmental planning instrument. This will minimise the need to make changes to other State Environmental Planning Policies (SEPPs) that contain specific housing codes clause references, when those clauses are reviewed and changed in the housing code SEPP.
4. The SSROC Secretariat is concerned that the proposed amendments in the new Code could increase the discrepancy between environmental planning specifications governing other housing forms that are permitted under complying development under other SEPPs. An example is the development standards applying to “secondary dwellings” and “group homes” (Schedule 1 and Schedule 2) of SEPP (Affordable Housing) 2009. The secondary dwelling complying development standards tend to be fairly inconsistent with those proposed in the New Housing Code. Discrepancies include site coverage requirements, setbacks from roads, lot size categories and maximum floor area restriction, and principal open space requirements.
5. The review of General Housing Code is an opportunity to incorporate complying development provisions for *secondary dwellings* and *group homes* into the New Housing Code. It is also an opportunity to consider and review existing complying development standards for development types in the SEPP (Affordable Housing) 2009. This will ensure consistency of minimum requirements for all housing forms that are subject to complying development.
6. The New Housing Code is not intended as a means for major policy change. State Government expectation is that it will take care of minor forms of development with low amenity and environment impact and therefore does not require merit assessment. However, with the removal of maximum site coverage, there are concerns. This is because, building bulk is expected to be controlled by the combination of maximum gross floor area as a percentage of the lot size and a minimum landscaped area as a percentage of lot size.
7. Under the proposed New Housing Code, for some lots, a bigger minimum landscaped area is required compared to the existing code. This is good news for streetscape appearance and residential amenity. On the other hand, it could encourage two storey developments in order to maximise allowable floor area for building bulk. The potential amenity deficit, loss of privacy and overshadowing impact of two-storey buildings are significant. Importantly, as complying developments these impacts are not merit assessed to mitigate them.

8. Councils can justifiably be concerned as the New Housing Code would allow for higher maximum gross floor area than what is permitted by some Local Environmental Plans. Lot sizes of 500-700 m², 400-500 m² and 350-400 m² could have maximum gross floor area of 60%, 65% and 75% respectively. This could arguably lead to complying development dwellings that are bigger and out of character with surrounding development with the related adverse streetscape, privacy and amenity impacts and without merit assessment. There is need to consider this carefully and be informed by constructive engagement with councils.
9. The changes proposed in the New Housing Code do not seem to make provision for differences in location and character of local councils. The provision or flexibility for tailored controls in specific categories of councils that acknowledges spatial differences could yield positive outcomes. For example, the Inner West Council and the Sutherland Shire vary in environment and setting and flexibly tailored planning control categories could be welcome planning policy.

Conclusion

Thank you for the opportunity to provide comments on the State Environmental and Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016. If you have any queries please contact Vincent Ogu, Strategic Planning Manager on 8396 3800.

Yours sincerely,



Namoi Dougall
GENERAL MANAGER
Southern Sydney Regional Organisation of Councils