

SHOALHAVEN CITY COUNCIL
D E V E L O P M E N T C O M M I T T E E

To be held on Tuesday, 2 August, 2016
Commencing at 4.00 pm.

28 July, 2016

Councillors,

NOTICE OF MEETING

You are hereby requested to attend a meeting of the Development Committee of the Council of the City of Shoalhaven, **to be held in the Council Chambers, City Administrative Centre, Bridge Road, Nowra on Tuesday, 2 August, 2016 commencing at 4.00 pm** for consideration of the following business.

R D Pigg
General Manager

Membership (Quorum – 5)

Clr White (Chairperson)
All Councillors
General Manager or nominee

BUSINESS OF MEETING

- 1. Apologies**
- 2. Adoption of Minutes of Previous Meeting**
- 3. Declarations of Interest**
- 4. Mayoral Minutes**
- 5. Deputations**
- 6. Report of the General Manager**
 Planning and Development
- 7. Notices of Motion**
- 8. Addendum Reports**

Delegation:

Pursuant to s377 (1) of the Local Government Act 1993 the Committee is delegated the functions conferred on Council by the Environmental Planning & Assessment Act 1979 (EPA Act), Local Government Act 1993 (LG Act) or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations:

- i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
- ii. The Committee cannot review a s82A or s96AB EPA Act determination made by the Council or by the Committee itself;
- iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and

- v. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council.

Schedule

1. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
2. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 4 of the EPA Act.
3. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
4. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which breaches a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
5. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
6. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
7. Review of all determinations of development applications under sections 82A and 96AB of the EP&A Act.
8. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.

Note: The attention of Councillors is drawn to the resolution MIN08.907 which states:

- a) That in any circumstances where a DA is called-in by Council for determination, then as a matter of policy, Council include its reasons for doing so in the resolution.
- b) That Council adopt as policy, that Councillor voting in Development Committee meeting be recorded in the minutes.
- c) That Council adopt as policy that it will record the reasons for decisions involving applications for significant variations to Council policies, DCP's or other development standards, whether the decision is either approval of the variation or refusal.

Note: The attention of Councillors is drawn to Section 451 of the Local Government Act and Regulations and Code of Conduct regarding the requirements to declare pecuniary and non-pecuniary Interest in matters before Council.

Cell Phones:

Council's Code of Meeting Practice states that "All cell phones are to be turned off for the duration of the meeting".

LOCAL GOVERNMENT ACT 1993

Chapter 3

Section 8(1) - The Council's Charter

(1) The council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

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MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON MONDAY, 18 JULY, 2016 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.02PM

The following members were present:

Clr White - Chairperson
Clr Tribe
Clr Robertson
Clr Kearney
Clr Anstiss
Clr Gash
Clr Wells
Clr Baptist
Clr Findley
Clr Guile
Clr Watson
Clr Kitchener
Russ Pigg – General Manager

1. Confirmation of the Minutes of the Development Committee meeting held on Tuesday 7 June 2016

MOTION: Moved: Wells / Second: Baptist

(MIN16.530) RESOLVED that the Minutes of the Development Committee meeting held on Tuesday 17 June 2016 be confirmed.

CARRIED

2. Declarations of Interest

Conflict of Interest Declaration - Clr White – pecuniary – Item 4, Page 27 – Installation of a 26.5 metre telecommunications tower and associated equipment shelter at Lot 12 DP700116, 9 Geary Place North Nowra - she receives remuneration from Telstra – will leave the room and not take part in discussion or vote.

Conflict of Interest Declaration – Clr Watson – Non Pecuniary Significant - Item 3, Page 20 – Planning Proposal (Rezoning) – 1310 Naval College Road, Worroving Heights (iArchitecture) – he is a member of the JRPP Panel which may consider an appeal on this matter if lodged – will leave the room and not take part in discussion or vote.

PROCEDURAL MOTION: Moved: Watson / Second: Wells

RESOLVED that Clr Gash be nominated as acting Chairperson for the completion of this item.

CARRIED

3. **Deputations**

Ms Diane Milne addressed the Committee in relation to Item 2, Page 14 – Planning Proposal (Rezoning) – Lot 1, 29 & 30 DP 25114 Albatross Road & Kinghorne Street, Nowra

Lee Carmichael addressed the Committee in relation to Item 2, Page 14 – Planning Proposal (Rezoning) – Lot 1, 29 & 30 DP 25114 Albatross Road & Kinghorne Street, Nowra

Colin Urwin (on behalf of RMI Group) addressed the Committee in relation to Item 3, Page 20 – Planning Proposal (Rezoning) – 1310 Naval College Road, Worroving Heights (iArchitecture)

REPORT OF THE GENERAL MANAGER

PLANNING AND DEVELOPMENT SERVICES

4. Section 96 Application DS13/1445 - Sand and soil quarry and processing of soil materials and compost. Applicant: TCW Consulting Pty Ltd on behalf of Soilco Pty Ltd. Owner: AF and MA Emery File DS13/1445 (PDR)

MOTION:

Moved: Wells / Second: Baptist

(MIN16.531) RESOLVED that the Development Committee, in accordance with authority delegated by Council, resolve to approve DS13/1445 for the modification of DA95/3205 in accordance with the attached draft Notice of Determination at Attachment A.

CARRIED

5. Planning Proposal (Rezoning) - Lot 1, 29 & 30 DP 25114 Albatross Road & Kinghorne, Street Nowra (Lee Carmichael Town Planning) File 53177e (PDR)

MOTION:

Moved: Guile / Second: Kitchener

That, in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Support the proposed rezoning, but maintain an 11 metre maximum height of building control. While this option would reduce the impact of the proposed development on adjoining properties, it may impact on the development feasibility.
- b) Request that a character assessment of the site and surrounds be required as a condition of the Gateway determination, with the possibility of stepping the building heights down towards the adjoining properties to be considered as part of the assessment.
- c) Advise the proponent, adjacent land owners and relevant community groups of this decision, noting the opportunity for formal consultation later in the process.
- d) If necessary, receive a further report following receipt of the Gateway determination.

LOST

FOR: Robertson, Findley, Guile, Watson, Kitchener

AGAINST: Tribe, Kearney, Anstiss, Gash, Wells, Baptist, White and Russ Pigg

FORESHADOWED MOTION:

Moved: Wells / Second: Gash

(MIN16.532) RESOLVED that, in accordance with the Committee's delegated authority from Council, that the Committee:

- a) **Give in principle support for the proposed rezoning and increase in building height for Lot 1, 29 and 30 DP25114 Albatross Road & Kinghorne Street, Nowra; and submit a Planning Proposal to the NSW Department of Planning and Environment for Gateway determination.**
- b) **Request that a character assessment of the site and surrounds be required as a condition of the Gateway determination, with the possibility of stepping the building heights down towards the adjoining properties to be considered as part of the assessment.**
- c) **Advise the proponent, adjacent land owners and relevant community groups of this decision, noting the opportunity for formal consultation later in the process.**
- d) **If necessary, receive a further report following receipt of the Gateway determination;**
- e) **Request the applicant give consideration that a portion of affordable housing be included in the project.**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, White and Russ Pigg

AGAINST: Findley, Guile, Watson, Kitchener

Note: Clr Guile left the meeting.

6. Planning Proposal (Rezoning) - 1310 Naval College Road, Warring Heights (iArchitecture) File 53077e (PDR)

Note: Clr Kitchener left the meeting.

Conflict of Interest Declaration - Clr Watson – significant non pecuniary interest –this proposal may go to the JRPP of which he is a member - left the room, did not take part in discussion or vote.

Note: Clr Guile & Clr Kitchener returned to the meeting

MOTION:

Moved: Gash / Second: Baptist

(MIN16.533) RESOLVED that, in accordance with the Committee's delegated authority from Council, that the Committee:

- a) **Defer a decision on the Planning Proposal to rezone 1310 Naval College Road, Worring Heights to SP3 Tourist; until a more detailed strategic planning exercise that considers the future zoning of the broader precinct as per the previous Council resolution has been investigated.**
- b) **Report the issue back to Council following the strategic review of the broader precinct.**
- c) **Advise the proponent, the NSW Rural Fire Service and Department of Planning and Environment of this resolution.**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Guile, Kitchener, White and Russ Pigg

AGAINST: Findley

Note Clr Watson was absent

7. **Installation of a 26.5 metre telecommunications tower and associated equipment shelter at Lot 12 DP700116, 9 Geary Place North Nowra. Applicant: CPS Global. Owner: Hailbay Pty Ltd. File DA16/1213 (PDR)**

Conflict of Interest Declaration - Clr White - pecuniary interest – she receives remuneration from Telstra - left the room, did not take part in discussion or vote.

Clr Gash assumed the Chair

Note: Clr Watson returned to the meeting.

MOTION:

Moved: Wells / Second: Baptist

(MIN16.534) RESOLVED that, in accordance with the authority delegated by Council to the Committee, that:

- a) **Council support, pursuant to clause 4.6 (Variation to development standards) of SLEP 2014, the applicant's request to vary the height limit of 11 metres to 26.5 metres;**
- b) **Council approve the application subject to the conditions set out in the draft Notice of Determination at Attachment A.**

CARRIED

NOTICES OF MOTION

8. SLEP Amendment – Landscaping Material Supplies – IN1 & IN2 General Industrial Zones **File 33363E (PDR)**

Clr White returned to the meeting and resumed the chair.

MOTION: Moved: Watson / Second: Guile

RECOMMENDED that:

1. That the Shoalhaven Local Environmental Plan 2014 be amended to include the use “Landscaping Material Supplies” as a permissible land use within the IN1 & IN2 General Industrial zones; and
2. That such amendment be included as part of the next Housekeeping Amendment to the LEP that Council undertakes.

CARRIED

There being no further business, the meeting concluded, the time being 5.23pm.

Clr White
CHAIRPERSON

REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 2 AUGUST 2016

PLANNING AND DEVELOPMENT

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

1. **Development Application 16/1649 – New detached Dual Occupancy and Subdivision at Lot 35 DP 264082, 2 Coconut Drive, North Nowra. Applicant/ Owner: D. L. Tooley
File DA16/1649**
-

SECTION MANAGER: Colin Wood

PURPOSE

This matter is reported to Council in accordance with POL08/458. The owner of the property works in the certification team of Planning and Development Services.

This report also supports two variations to Shoalhaven DCP 2014. The first relates to the pergola side boundary setback to Coconut Drive (section 5.4 of Chapter G13) and the other is in respect to the corner lot frontage requirements (section 5.24 of Chapter G11).

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the Committee:

- a) **Confirm support for the variation of the side boundary setback to Coconut Drive contained in section 5.4 of Chapter G13 to 1.1m for the proposed pergola and the variation corner lot frontage requirements under section 5.24 of Chapter G11 of Shoalhaven DCP 2014;**
- b) **That the application be determined under delegated authority.**

OPTIONS

1. Resolve to support the proposed variations to the side setbacks and road frontage requirements (This would enable the development, as submitted, to proceed subject to development consent being granted).
2. Resolve not to support the proposed variations (This would result in the applicant needing to reconsider the design of the proposal or possibly not proceeding with the proposal).

DETAILS

Background

The subject land is Lot 35, DP 264082, 2 Coconut Drive, North Nowra. It is a corner lot on the northern side of Golden Cane Avenue at the intersection of Coconut Drive. **(ATTACHMENT A)**

The application is for:

- New detached Dual Occupancy and
- Subdivision

(Refer to **ATTACHMENT B**)

The site is subject to setback requirements of 5.5m front, 3.5m side and 3m rear setback under Chapter G12 (Dwelling Houses et al) of Shoalhaven DCP 2014.

Applicant's submission – request for variation to acceptable solutions

The applicant has made a submission in support of the proposed variations. This is included in the Statement of Environmental Effects (refer to **ATTACHMENT C**).

CONSIDERATIONS:

The application as a whole has been assessed under section 79C of the Environmental Planning and Assessment Act 1979.

DCP Variations

Side Boundary setback variation (proposed pergola)

Clause 5.4 of Chapter G13 of Shoalhaven Development Control Plan 2015 provides that the side boundary setback to the secondary street frontage is 3.5m to the wall of the dwelling. A variation is sought to allow a portion of the pergola to encroach within this 3.5m setback for part of the awing. This encroachment will not be prominent from the street due to the dwelling being positioned lower to the street level and there is a 1.8m high colorbond fence along the boundary.

Assessment

The land slopes from the Coconut Drive/Golden Cane Avenue corner to the rear north-western corner of the allotment. This slope dictates the building platform created by cutting the higher area and filling the lower area. The area to be excavated is along the Coconut Drive frontage from Golden Cane Avenue and the depth of cut will be approximately 800 mm. It is proposed to construct a retaining wall approximately 1.1 metres inside the boundary line.

This minor cut and the need to have the private open space on the northern side of the dwelling sets the design criteria for the dwelling. In order to provide adequate open space,

the cut is proposed to be extended into the setback area. The positioning of the existing dwelling further compromises design criteria. In order to effectively utilise this area as private open space, the applicant seeks to erect a pergola attached to the dwelling adjacent to the lounge room. This pergola will compromise the secondary road setback of 3.5m to Coconut Drive by intruding into the setback by approximately 2.4 metres.

A 1.8m high colourbond fence is proposed along the top of the retaining wall. The landscaping as proposed on the outside of this fence will reduce the visual impact of the colourbond fence from the street. The proposed private open space will retain its integrity by virtue of this height difference and fence. There should be minimal impact on the adjoining dwelling. The private open space in this location will not impact on the adjoining dwelling in any way. The adjoining dwelling is located approximately 900 mm from the common fence with its living and private open space areas on the opposite side to the proposed development. There will be no loss of views or solar opportunities. Adequate landscaping will ensure that there will be no significant detrimental visual impact.

Accordingly the variation of the side boundary setback to 1.1 metres is supported.

Corner lot frontage

The applicant seeks access to the proposed dual occupancy from a driveway constructed adjacent to the existing driveway on Golden Cane Avenue. Solar passive design elements were implemented into the dwelling by orientating the living areas to the north/east, and the garage to the south/west.

Assessment

As indicated in the assessment above, the “lay” of the land and the need to orientate the living area of the proposed dwelling to the north make the placement of the driveway access on the secondary road (Coconut Drive) almost impossible. There is sufficient horizontal sight distance from the Coconut Drive intersection so as not to have a detrimental impact on the vision of motorists.

The request to place the driveway access on the Golden Cane Avenue frontage is supported.

FINANCIAL IMPLICATIONS:

Should the application be determined by way of refusal, the applicant is entitled to appeal to the Land and Environment Court. Council would incur costs in defending its decision in this event.

There are no other financial implications.

COMMUNITY ENGAGEMENT:

In accordance with Council’s Community Consultation Policy the application was notified to adjoining and adjacent owners within a 25m radius of the property. No submissions were received in response.

CONCLUSION

In summary:

- (a) The variation to the side boundary setback to 1.1 m for the pergola is supported as it will allow the owner to make effective use of the land and with the proposed building design, colours and landscaping the proposal will be compatible with the existing streetscape character;
- (b) The variation to the requirement for separate road frontage to permit the driveway to be located in Golden Cane Avenue is supported for the same reasoning as above.

2. Land Acquisition Request to facilitate the construction of Enterprise Avenue, South Nowra (Contributions Plan Project 01ROAD2143) File 28709E (PDR)

SECTION MANAGER: Gordon Clark.

PURPOSE:

Obtain direction on a request to acquire land at Enterprise Avenue, South Nowra, to facilitate the construction of Contributions Plan Project 01ROAD2143.

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Give in principal support to acquire part of Lot 2 DP 1170503 to facilitate the construction of Enterprise Avenue.
- b) Enter into a planning agreement with the affected/benefitting landowners to carry out the required land acquisition, design and construction of Enterprise Avenue (01ROAD2143).
- c) Instruct staff to further investigate the funding arrangements to facilitate the acquisition of land and surveys of Enterprise Avenue road reserve; and
- d) Consider waiving fees associated with the lodgement of any future Development Applications or Construction Certificates over the subject land as part of the Planning Agreement process.

OPTIONS

- 1. Adopt the recommendation. This will expedite the construction of Enterprise Avenue through private investment, and also protect Council's interest through a formal Planning Agreement.
- 2. Give in principle support to acquire part of Lot 2 DP 1170503 to facilitate the construction of Enterprise Avenue, and not require a Planning Agreement to be entered into. This option is not preferred, as a Planning Agreement is considered the only legal way of facilitating the dedication of land and protecting Council's interest.

-
3. Not acquire the subject lots until development occurs. This option is not preferred, as an opportunity currently exists to expedite the construction of Enterprise Avenue with a relatively small cost to Council and the community.

DETAILS

Background

In early 2015, Council received a request on behalf of the owner of Lot 26 DP 734975 to acquire a portion of their land to allow for the construction of the remaining section of Enterprise Avenue, South Nowra (01ROAD2143).

The matter was reported to the Development Committee in March 2015 (**Attachment “A”**) to obtain direction on the land owner request. The matter was deferred until further information on the cost of acquiring the subject land was received. After engaging Walsh and Monaghan Pty Limited to undertake a market valuation of the land required for acquisition, the matter was reported to Development Committee in May 2015 (**Attachment “B”**) where it was resolved to:

- a) *Seek formal confirmation of the land owners offer and details of their proposed works,*
- b) *Instruct staff to further investigate the funding arrangements to facilitate acquisition of Enterprise Avenue road reserve*

Council staff contacted the consultant acting on behalf of the land owner consistent with part a) of the above resolution. In October 2015 Council staff received advice that the land owner of Lot 26 was no longer interested in pursuing the original offer due to the conditions related to the Council resolution, particularly with respect to the new one-way alignment.

Proposal

In May 2016, the landowner again requested Council to acquire land to expedite the delivery of the contributions project. A proposal was put forward by the land owners of Lot 26 DP 734975 (Mitsubishi dealership – Palmira Holdings Pty Ltd) and Lot 3 DP 589103 (Smith’s Plant Hire – P.A & D.E & W.C & P.S Smith) relating to the desired full-width construction of the remainder of Enterprise Avenue as shown on the indicative plan below (*Figure 1*). The details of the landowners’ proposal is outlined below.

The landowners of Lot 26 and Lot 3 have offered to undertake the following works:

- Dedication of the land shown in stripes in Figure 1.
- Road and drainage design by a suitably qualified civil engineer; and
- Full-width construction of the remainder of Enterprise Avenue (as shown in *Figure 1*).

Have requested that Council assist with the delivery of Enterprise Avenue by being responsible for the following:

- Acquisition of the land required for the full width construction of the remainder of Enterprise Avenue (shown in checks in Figure 1);
- Full survey of the required land necessary to be dedicated for public road purposes; and
- Any development fees and charges on future projects (including plan checking fees at Construction Certificate stage), within this area, be offset against the cost associated with their respective section of road to be constructed.



Figure 1 – Enterprise Avenue Indicative Plan

Potential Issues

The land acquisition, design and construction costs associated with Enterprise Avenue are identified in the road project in the Shoalhaven Contributions Plan 2010. The intent of the Contributions Plan is to identify infrastructure projects which are necessitated as development occurs within the relevant catchment/contribution area. In this case the apportionment to future development is 67.4% and the timing of the project delivery is 2016/20. However, these types of projects, that only benefit a small number of landowners, are generally provided as development of the land occurs. The subject contribution project has had no contributions collected and the project is not currently identified in Council's capital works program as no new development has occurred in this area.

In determining whether Council pursues the offer made by the land owners, the potential risks need to be considered. There are risks in pursuing this proposal without a legally binding agreement, such as a Planning Agreement, as there is no security given to Council to protect it from any losses as a result of dedicating the required resources and financials to carry out the works. A Planning Agreement is the only legal process in which land can be dedicated and development contributions (Section 94's) can be waived in lieu of the work. As part of this process, the landowners will need to demonstrate that there is a material public benefit in delivering this project.

Should Council resolve to proceed with the proposal, it is considered that a Planning Agreement be prepared to facilitate the proposal as described in this report.

FINANCIAL IMPLICATIONS:

As part of the proposal, it has been requested that any relevant development fees and charges (including plan checking fees at Construction Certificate stage) on future projects, within this area, be offset.

Section 94 levies ordinarily applicable to the development of the sites affected by the construction of Enterprise Avenue can only be waived where the works are undertaken in lieu of contributions and through a Planning Agreement.

COMMUNITY ENGAGEMENT:

Should Council resolve to proceed with the proposal and to prepare a Planning Agreement, such planning agreement would be publicly exhibited in accordance with the legislative requirement.

3. Simplified NSW Housing Code - Proposed Submission

File 31157E

SECTION MANAGER: Gordon Clark.

PURPOSE:

Provide an overview to the NSW Government proposed new simplified Housing Code for works that can be carried out as complying development and consider Council's submission on the proposed changes.

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that a submission (Attachment "A") be provided to the NSW Department of Planning and Environment on the proposed simplified NSW Housing Code.

OPTIONS

1. As recommended - this is preferred as it will ensure Council makes a submission to the proposed Code incorporating issues than have been identified.

-
2. Amend the draft submission as the Committee sees fit.
 3. Not make a submission

DETAILS

The NSW Government is currently seeking feedback on a new simplified NSW Housing Code to set out planning requirements for works that can be carried out as complying development. The proposed new simplified Code was placed on exhibition on 14 June 2016. The closing date for submissions is 12 August 2016.

The Code forms part of the State Environmental Planning Policy (SEPP) for Exempt and Complying Development. It sets out the planning requirements for new homes, extensions and other home renovations that can be carried out as complying development.

The new Code has been written and structured so it is clearer and easier to understand. It also includes diagrams to explain key concepts, controls and building standards that need to be met for complying development.

The overall intent of the changes is to simplify the existing development standards for one and two storey dwellings, extensions to dwellings, other developments like garages and swimming pools so that more people are able to understand and hopefully use the Code. The new Code is written in plain english and contains tables, making it easier to use.

These changes are consistent with the NSW Making it Happen “Premiers Priority” to achieve faster housing approvals – “90 percent of housing approvals determined within 40 days”.

The exhibited new Housing Code is available on the NSW Department of Planning and Environment’s (DP&E) website at:

http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=7688

A draft submission has been prepared (**Attachment “A”**) based on feedback provided by relevant Council staff and is summarised below:

- support the simplification of the Housing Code
- support the inclusion of diagrams to explain concepts
- need to ensure that the portion of driveway within the road reserve, including any footpaths, are constructed to appropriate standards.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council in this report.

COMMUNITY ENGAGEMENT:

The public exhibition in this regard is being run by DP&E and interested members of the public, or community groups can make submissions on it before 12 August 2016.

Tim Fletcher

DIRECTOR - PLANNING AND DEVELOPMENT SERVICES

R.D Pigg

GENERAL MANAGER