



## SUPPLEMENTARY STAFF REPORT

### **S1. NSW HOUSING CODE Supplementary Staff Report to the 17 February 2009 Ordinary Meeting File No. D52.1 Prepared by Ralph Tambasco on 12 February 2009**

The NSW Government, as part of its ongoing planning reforms, has released the first stage of the NSW Housing Code.

The NSW Housing Code consists of:

- a) The Exempt Development Code
- and
- b) The General Housing Code, which includes development that is “Complying Development.”

Legal effect to the Code is by a new State Environmental Planning Policy (SEPP) entitled SEPP (Exempt and Complying Development Code) 2008, which will commence on the 27 February 2009.

I attended a Council and Practitioner Seminar on the new Housing Code in Liverpool on the 4 February 2009. Stewart West, Jaclyn Burns and Kate Dickson will attend a seminar in Sydney on Wednesday 18 February 2009, as other dates, times, and locations are not suitable.

The Exempt Development Code will, on the 27 February 2009, supersede Council's current Exempt Development DCP in the Development Control Plan 2001. The types of development under the SEPP that are considered as exempt and the criteria they need to comply with are listed in **Attachment S1**.

Reference to Council's Exempt Development DCP will indicate that the exempt developments listed in the SEPP are less than those contained in Council's DCP 2001.

Therefore, some types of development that are currently exempt under Council's DCP will no longer be exempt after the 27 February 2009 under the SEPP and will therefore require development consent.

For example, in Council's DCP 2001, developments such as farm sheds, hay sheds and machinery sheds are exempt development provided they comply with certain criteria, one being not greater than 300m<sup>2</sup> in floor area. Under the SEPP, these types of development would fall under the “Farm buildings and structures” section (Subdivision 16 on page 32 of the SEPP) and the floor area maximum is 200m<sup>2</sup>.

A slightly different scenario will exist for Complying Development. A detailed report concerning the NSW Housing Code will be submitted to Council's 17 March 09 Ordinary Meeting.

I will be absent from the 17 February 2009 Ordinary Meeting as I have been subpoenaed to appear in the Supreme Court.

**Recommendation:**

That the information be received and noted.