



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: EP&D:GUIb1192271

19 August 2016

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

By email: codes@planning.nsw.gov.au

Dear Sir/Madam,

Simplified Housing Code

The Law Society of NSW appreciates the opportunity to comment on a new simplified Housing Code.

We understand that the Department of Planning and Environment is responding to feedback from stakeholders, including certifiers, builders, architects, land owners, business owners and councils, that the General Housing Code is difficult to understand and apply. As a result, the original intent of the Policy, which was to make it easier, faster and less costly to undertake exempt and complying development, is being undermined.

The Law Society supports this simplification process and, in particular, welcomes the less complex provisions relating to bush fire prone land and flood control lots. We suggest, however, that specific reference should be made to solar access protection, overshadowing and privacy.

We also note that Schedule 4, item 3 of the *Environmental Planning and Assessment Regulation 2000* refers to the complying development potential of land as one of the matters to be included in a section 149(2) certificate. Although these matters may not have been altered by the new Code, practitioners will need to satisfy themselves that this is the case.

The Law Society suggests that adequate notice should be given before the changes commence. We suggest, as an absolute minimum, that a notice period of four weeks from the publication of the new Policy on the NSW legislation website be provided. This will avoid any unnecessary confusion and disruption of the conveyancing process that previous changes to section 149 certificates have generated.

If you have any questions in relation to this submission, please contact Liza Booth, Principal Policy Lawyer, by email at liza.booth@lawsociety.com.au or on (02)9926 0202.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Gary Ulman', with a small dot at the end of the signature.

Gary Ulman
President