

Council Reference: 31157E (D16/129844)

Codes and Approval Pathways
Department of Planning and Environment

TO BE UPLOADED VIA WEBSITE

Council welcomes the opportunity to provide a submission on the proposed amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) to introduce new exempt and complying development controls for rural and regional NSW.

Given that the Inland Code is not proposed to apply to Shoalhaven (LGA), Council has no comments on the proposed Inland Code.

Council, however, has concerns with the proposed NSW wide changes to the Exempt Code in relation to *farm sheds and outbuildings*, and *grain storage bunkers and silos*. These concerns are outlined below.

Inclusion with Inland Code

Council is disappointed that the changes to the Exempt Code, which apply State wide, have been somewhat hidden in the proposed Inland Code which may limit the number of coastal councils that are aware of the changes.

Visual impacts

The proposed changes to the Exempt Code have the potential to have substantial visual impacts in our rural areas. Council objects to the proposal to double or more than double the size of exempt farm sheds covered by the code, as the full assessment of the bulk, scale etc. of the proposed development is an essential requirement for larger farm sheds in potentially sensitive or significant landscapes (e.g. Berry, Kangaroo Valley, Milton). The criteria for farm buildings and grain storage bunkers do not address important visual considerations such as siting, colour, reflective surfaces, and clustering of buildings. Strong community concerns have been expressed regarding the visual impact of such development in a number of locations in Shoalhaven.

Setbacks

There should be greater setbacks for grain storage bunkers given their potential large size of up to 7000m². For lots larger than 4 hectares, a setback greater than the 20 metres proposed for farm buildings should be required e.g. 50 metres. This will help minimise the visual impacts from rural roads.

Building heights

The proposed height of 12 metres for farm sheds is greater than the height set through the Shoalhaven Local Environmental Plan (LEP) 2014 for rural areas of 11 metres. The SEPP should specify that the building be no higher than the height set in the relevant LEP or be a maximum of 12 metres if no height is set in the LEP.

Impacts on flooding

There is no consideration of the flood impacts of exempt farm buildings located in flood prone areas. In Shoalhaven, a large proportion of our primary farm land is located on the flood plain. Some level of assessment of these structures is required to prevent or minimise impacts within, and external to, the site. For example, displacement of flood waters into adjoining properties.

The proposed changes are not in line with the NSW Government's Floodplain Development Manual, specifically its objectives. The objectives the changes are potentially inconsistent with include:

- i. Reduce risk to life and property resulting from floods;
- ii. Ensure that the impacts of the full range of flood sizes up to and including the Probable Maximum Flood (PMF) are considered when assessing development on flood prone land;
- iv. Ensure the future use of flood prone land does not cause undue distress to individuals or unduly increases potential flood liability to individuals or the community; and
- v. Incorporate site specific floodplain management recommendations from local floodplain risk management plans into Council's overall planning framework.

The proposed changes do not support or encourage developers to plan for and mitigate against flooding. Development controls are a way to ensure people, stock and property are offered some level of protection from floods. By reducing the need to meet development controls, individuals place themselves, their businesses and potentially their neighbours at more risk from floods.

The proposed changes do not allow Council to track the cumulative impact of development on the floodplain. A number of Council's Floodplain Risk Management Studies and Plans identify a percentage of the floodplain which can be filled/developed without negatively altering flood affectation. If Council does not have an accurate record of development occurring, the impact it has on the whole floodplain cannot be calculated or managed.

In addition, the proposed changes do not require the developer to demonstrate the immediate impact the development may have on flood affectation on or adjoining the site.

If you have any questions in relation to the above, please do not hesitate to contact me on (02) 4429 3355. Please quote Council's Reference 31157E (D16/129844).

Yours Sincerely,



Gordon Clark

Strategic Planning Manager

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