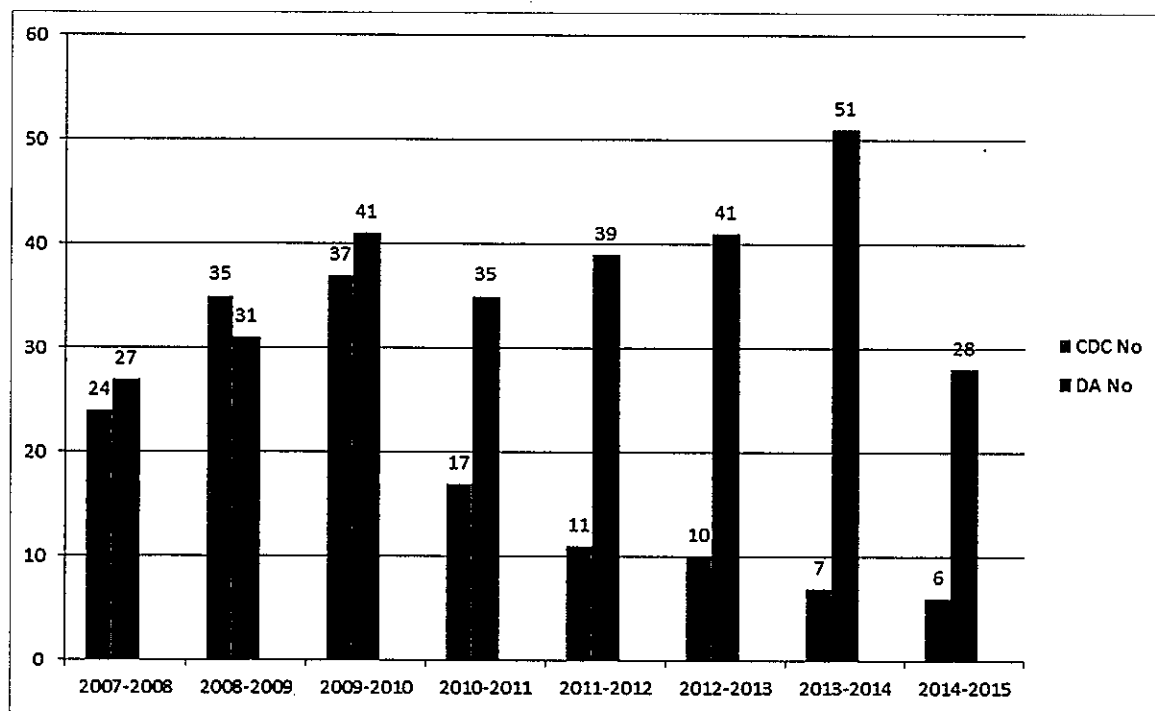


Issues identified previously include:

- An ongoing issue is that the current Codes SEPP and draft Western Region Codes SEPP provide minimal protection for sewer mains against exempt or complying development. As a result, in situations where designers and applicants don't identify the presence of a sewer main as a site constraint, certifiers are obligated to approve the erection of structures within the zone of influence of the main. In general terms it would be more appropriate to address this issue directly, as it was previously within SEPP 60 which generally excluded exempt and complying development from being within 1 metre of an easement or sewer main (sub clause 7(2)(a)(ii) and 9(2)(b)). If this is not addressed, it is inevitable that over time we will end up with repeated scenarios where significant buildings are built near or over sewer mains, especially where they are not protected by easements. It is my understanding that the majority of smaller mains in smaller rural communities are not protected by easements. To make the situation worse, under the S.198 LGA, Council is then liable to pay compensation for any exempt or complying development structures that it needs to remove or damage to undertake main maintenance and the like (even though they have been constructed over Councils main without it's agreement!!). It is recommended that the Department review the Western Region Codes SEPP to ensure that there is provision for the protection of public infrastructure, especially sewer mains.
- When a survey certificate is required
 - 1) If any part of the work is the erection of a new building, or an alteration or addition to an existing building, that is located less than 1m from the lot boundary, a survey certificate must be given to the principal certifying authority:
 - (a) before any form work below the ground floor slab is completed, or
 - (b) if there is no such form work—before the concrete is poured for the ground floor slab.
 - 2) The survey certificate must be prepared by a registered land surveyor and show the location of the work relative to the boundaries of the site.
- Within the Walgett Shire there has been a strong downward trend in the number and proportion of Complying Development Certificate (CDCs) applications in recent years, as shown in the graph below. At the same time the numbers and proportions of more complex, time consuming and expensive Development Application and Construction Certificate applications (DA/CC) have increased. These trends correlate with the initial introduction of the Codes SEPP on 27-2-2009, and subsequent amendments which have exacerbated the situation.

Comment [WU1]: 3m is excessive, especially when in the Walgett LGA the nearest registered surveyor may be located more than 250km from the site.



- NSW Planning & Environment has repeatedly provided assurances through senior management that the intent of the Codes SEPP has been to reduce unnecessary red tape, but the graph demonstrates that the reverse is true for the Walgett Shire. It is our understanding that this problem is affecting many other rural shires and communities, as reflected in comments provided by other Councils at Dubbo.
 1. There are several factors contributing to the reduction in complying development, including:
 - (a) Complexity – The provisions of State Environmental Planning Policy No 60—Exempt and Complying Development [SEPP 60] were contained in 36 pages which typically enabled about 50% of developments to be processed as complying development in a given year. Since the commencement of the 211 page Codes SEPP in 2009, the increased range of thresholds and limitations has substantially reduced the opportunities for complying development.
 - (b) Irrelevance – Many requirements imposed by the Codes SEPP serve no purpose in rural areas, but Council is still obligated to apply those provisions.
 - (c) Lack of public acceptance – Builders and families often find it easier to submit a DA and CC application for a development because:
 - i. It can be a convoluted process to determine whether a proposal is complying development due to the numerous development standards involved.

- ii. A reasonable DA/CC will be approved (ie greater certainty about process), therefore there is little point wasting time inquiring whether a proposal is complying development.
- 2. Council's experience with the application of the Codes SEPP is that there has not been any significant improvement in outcomes for the community or environment in this area, which could justify the current situation.
- The Western Region office of NSW Planning & Environment has been working with Council and stakeholder representatives for several months to prepare a draft Regional Complying Development State Environmental Planning Policy. The intent has been to reduce unnecessary complexity and remove irrelevant requirements, hence the Regional Complying Development SEPP is likely to substantially increase complying development once it commences effect. While this has the potential to address some of the issues raised above, it is quite concerning that it is taking too long for NSW Planning & Environment to address the situation. With a view to minimising red tape associated with exempt and complying development, Walgett Shire believes that the following matters warrant consideration and action by NSW Planning & Environment:
 - a. Public exhibition and implementation of the Regional Complying Development State Environmental Planning Policy as soon as possible.
 - b. Provision for Council's to allow more generous local exempt and complying development standards, beyond those set at a state level. State wide parameters do not meet the needs of all communities.

Proposed inland code comments

Below is a summary of issues I have identified, after reviewing the proposed "Complying Development for Inland NSW."

The comments are issues which need to be considered given the proposed code appears to be regional city based with parts not applicable in remote NSW and would not reduce red tape within remote NSW.

Issues identified include:

1. Landscaped area - constraints in a semi-arid area, a definition may be useful as the general public think that they need to fully landscape the lot or holdings, where red/black earth is landscaping during droughts
2. Maximum excavation 3m this needs to be amend to 6m allowing for "E/E-D" sites being pier construction, Table below is a foundation design relevant to the Walgett Shire, Noting large farm sheds may require piers up to 6m for hold-down in open terrain (wind Loadings)

HOUSE - PIER FOOTINGS DETAILS			
SITE CLASS	DEPTH "D"mm	DIAMETER mm	REINFORCEMENT
M	500	450	NIL, MASS CONCRETE
M-D	800	450	NIL, MASS CONCRETE
H1	1000	450	NIL, MASS CONCRETE
H1-D	1500	400	5-N12 BARS WITH R6 LIGS AT 300 CRS
H2	1800	400	5-N12 BARS WITH R6 LIGS AT 300 CRS
H2-D	2500	400	5-N12 BARS WITH R6 LIGS AT 300 CRS
E/E-D	3600	400	5-N12 BARS WITH R6 LIGS AT 300 CRS

3. Zone of influence on utilities owned by Council – as outlined under Issues identified previously
4. Farm shed – Maximum gross floor area – 2.5% land holding to maximum 2500m² 10,000m² given size of some holdings exceed 50,000ha
5. Exempt Development, Subdivision 16 farm sheds and outbuildings 2.32 (5) shipping containers 1 per lot thoughts I would suggest large holdings over 400ha's that a limit of 5 apply with a development standard that they not be visible from a public place
6. Subdivision: Grain storage bunkers and silos – (4) (a) Grain bunkers - maximum footprint 7000m² 20,000m² given the large rural holdings across the shire
7. Minimum required primary road setback – RU3 and RU4 Zones 50m 10m to unsealed roads – costs involved in developing and maintaining driveways on black soil reduce back to 10mtrs from road reserve or Traveling Stock Route (TSR)
8. Stock Yards – maximum height of 4.5m 7.5m - given road train trailers 2 tee require additional height on loading ramps which form a critical part of stock yards in the outback - height above includes vertical gates, access platforms and handrails, thus allowing access to the top of the trailer create in loading and unloading activities.