

File No: 91.687  
Contact Person: Melissa Ward

12 May 2016

Department of Planning and Environment  
PO Box 58  
DUBBO NSW 2830

Dear Sir/Madam,

**RE – Review of complying development for Inland NSW**

Thank you for the opportunity to comment on the review of Complying Development for Inland NSW. Council has reviewed the proposed changes and provides the following comments.

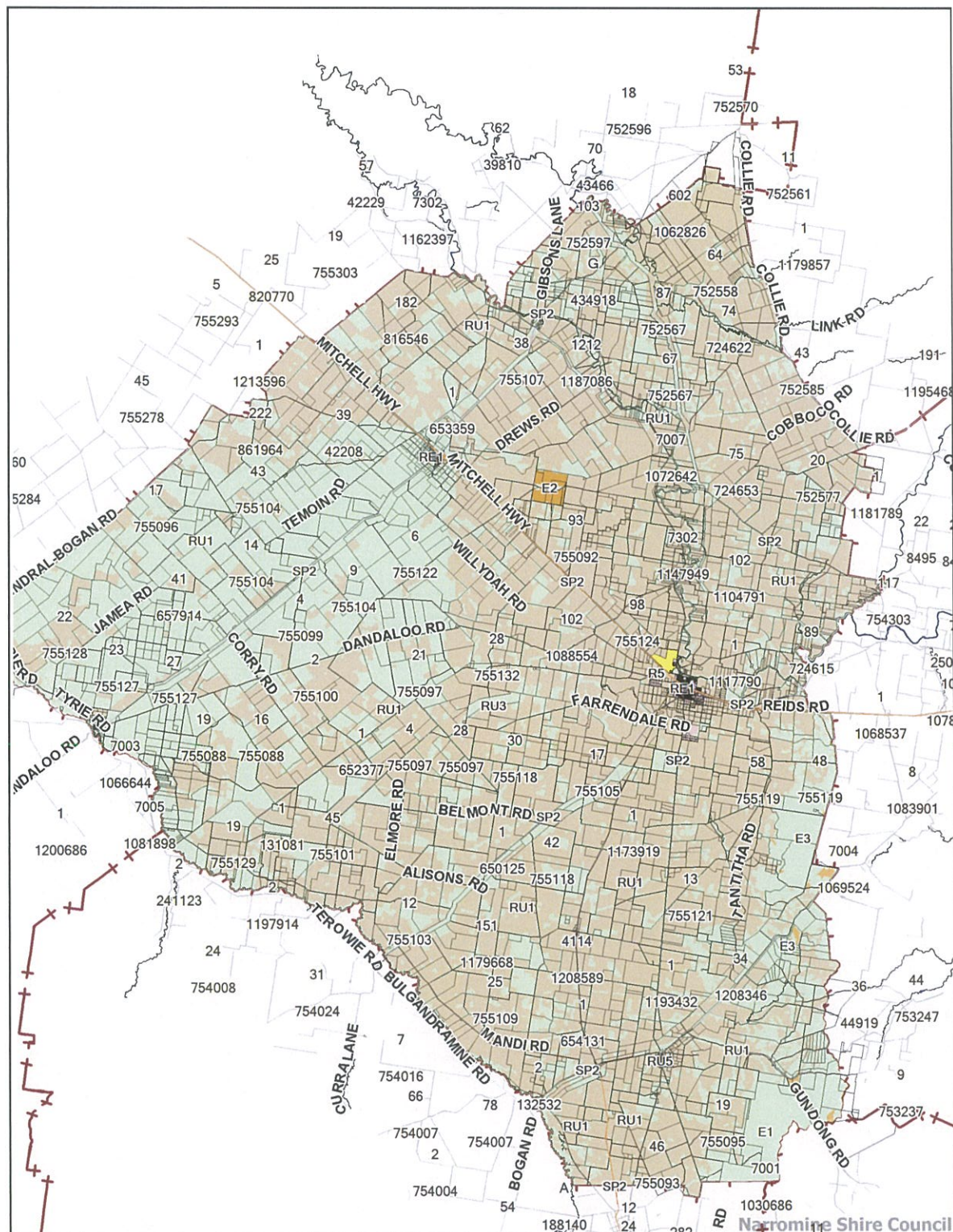
***Definition of 'ecologically sensitive area'***

Although not specifically mentioned as part of this review, it has come to Council's attention that the current Exempt and Complying Code mentions ecologically sensitive areas as lands excluded from consideration under the Code when noted in an environmental planning instrument (EPI), however the Code has no definition of ecologically sensitive areas. Environmentally sensitive areas are also excluded under the Code however for ease of interpretation, these areas are defined. A definition of ecologically sensitive area would help the general public and Council officers interpreting this Code to know what is captured in this definition.

Further to the above, Narromine Council has interpreted that Biodiversity Sensitive Areas are captured as part of the intent of ecologically sensitive areas. These sensitive areas cover most of our rural zones. The way the current Code is worded, it can be interpreted that if a lot has only a small portion identified as biodiversity sensitive, then a complying development may not occur on ANY part of the lot. This has happened in our Council and we have had to advise residents that although the rest of their enquiry fits in the complying development criteria, because a small portion of the lot well away from their proposed dwelling has a biodiversity sensitive area, that they cannot submit their application as complying. Mapping biodiversity sensitive areas at property level may be cost prohibitive however this is also restricting rural Councils' use of complying development.

Please refer to the following map which shows our Shire and the green shading which notes biodiversity sensitive areas from our LEP.

## Biodiversity Sensitive Areas (taken from Narromine LEP)



### Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Narromine Shire Council nor the Department of Lands makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without

True North, Grid North and Magnetic North are shown diagrammatically for the centre of the Narromine Local Government Area. Magnetic North is correct for 2001 moving easterly by 0.04° in about five years.

Aerial  
Photography:



Map Scale: 1:490,500 at A4

Map Zoom: 93200 m

Narromine Shire  
Council  
124 Dandaloo Street  
PO Box 115  
NARROMINE NSW 2821  
Ph: (02) 6889 9999  
Fax: (02) 6889 9998

Please address all correspondence to the General Manager, P O Box 115 Narromine NSW 2821  
T: 02 6889 9999 F: 02 6889 9998 E: [mail@narromine.nsw.gov.au](mailto:mail@narromine.nsw.gov.au) W: [www.narromine.nsw.gov.au](http://www.narromine.nsw.gov.au)  
Office Address: 124 Dandaloo Street Narromine NSW 2821  
ABN 99 352 328 405

### **'Landscaped area'**

A definition of what is considered a landscaped area would help in the interpretation of requirements under the Inland Code. Is a landscaped area simply devoid of impervious ground coverings or actual garden beds?

### **Habitable rooms**

If the Inland Code is adopting the BCA definition of what is a habitable room, the Code should specify this.

### **Swimming pool pumps and noise in a rural zone**

I agree that noise restrictions on pool pumps in residential areas are warranted. Having the same soundproofing minimum requirements on pool pumps in rural areas is however onerous in Council's opinion. Usually pools in rural areas are located at large distances from boundaries and if not, then houses on adjoining lots are well distanced from boundaries for reasons of privacy and open space. Council supports the inclusion of the *EPA Noise Guide for Local Government* as an alternative to soundproofing and as a condition applied to the CDC for residentially zoned pools. In rural areas it would be sensible to include a minimum distance from any boundary to the pool pump as well which then negates the need for any soundproofing or maximum dBA output. Additionally, an alternative to an outright maximum dBA would be a maximum dBA above background noise of say 5 to 7 dBA as adopted by many Queensland Councils.

### **Exempt Grain Storage Bunkers & Silos**

Council is very supportive of the above being included as a category of exempt development. An additional specified development criteria of a minimum distance from adjoining incompatible land uses (such as an airstrip, aerodrome or airport) is suggested to minimise risk to safe aeronautical operations such as birdstrike.

Please contact Council's Manager of Planning on 02 6889 9952 if you require any additional information in relation to the above.

Yours faithfully



Melissa Ward  
**Manager Planning**