

Our ref: R24/0065#01 SUB-757

Date: 14 June 2024

Ms Kiersten Fishburn

Secretary

Department of Planning, Housing and Infrastructure

Via email: NSW Planning Portal

Re: Explanation of Intended Effects - Proposed changes to complying development for farm buildings, rural sheds and earthworks

As the peak body for local government in NSW, representing NSW general purpose councils and related entities, Local Government NSW (LGNSW) welcomes the opportunity to comment on the proposed changes to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) to change existing policy related to:

- The size of sheds and farm buildings;
- Earthworks provisions and acid sulfate soil restrictions; and
- The quantity of fill material that may be deposited on a property.

This submission is informed by the policy positions of LGNSW and consultation with councils. The submission is provided as a draft, pending endorsement by the LGNSW Board at its next meeting. We will advise of any amendments to the submission in due course.

In responding to the Explanation of Intended Effect (EIE) and the frequently asked questions, LGNSW supports the proposed changes to address concerns raised by councils about unintended impacts of some of the provisions affecting complying development on rural land. The Department of Planning, Housing and Infrastructure (the Department) correctly captures the concerns of councils that the current provisions were facilitating extensive earthworks beyond the original intent of the policy and causing unintended environmental and social impacts.

LGNSW notes the direct reference in the EIE to a [resolution of the 2020 LGNSW Annual Conference](#) which sought amendments to the Codes SEPP to ensure large-scale earthworks on rural properties cannot be undertaken without a full and proper assessment carried out through the development application process. The LGNSW



Annual Conference is the policy-making forum of LGNSW and provides an opportunity for mayors and councillors across the state to come together to share ideas and debate issues of importance to the sector. LGNSW appreciates that councils' advocacy on this and other matters outlined in the EIE has been heard and acted upon by the Department. LGNSW also welcomes the Department's earlier efforts to consult councils impacted by the Rural Housing Codes that has helped inform the changes proposed in the EIE.

Thank you again for the opportunity to comment on the proposed changes to standards for farm buildings, sheds and earthworks on rural land.

Should you like further information on LGNSW's position, please contact Jane Partridge, Strategy Manager, Planning on 02 9242 4093 or jane.partridge@lgnsw.org.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Thomas'.

Damian Thomas
Director Advocacy