

**Submission
No 46**

INQUIRY INTO REGIONAL PLANNING PROCESSES IN NSW

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LEGISLATIVE COUNCIL
STANDING COMMITTEE ON STATE DEVELOPMENT

REGIONAL PLANNING PROCESSES in NSW
SUBMISSION:

Introduction:

I am a rural landholder in the north west of NSW on the Liverpool Plains. My family company wish to further develop one of our properties where there is no current building infrastructure. The landholding size is 1874 ha. situated within the Gunnedah Shire Council near Spring Ridge. In applying to our council to further develop this property and provide a residence and accompanying sheds etc we have found too many obstacles that deter our decision.

I wish to address section (b) Constraints, and (f) opportunities for strategic planning as per your terms of reference for Regional Development

Example - Constraints in receiving a DA approval and managing development of flood liable lands

B) CONSTRAINTS & DETERMINATIONS FOR RURAL PROPERTIES in our instance are based on:

a) property size and land use that determines your zone - (rural zone) RU1

b) "minimum lot size" - our case it is 200 ha.

We would need to do a sub-division and combine a number of "lots" as our property is made up of a considerable number of lots some of them being only approx 15ha.

c) placement of development (buildings) must be a certain distance from the boundary of the "lot" not the boundary fence

d) Councils Environmental Plan (LEP) is determined by State Legislation

In determining what rules apply, for things like Plumbing and Drainage. Local Government (LEP) or the State Governments (Complying Development) depends on whether you can address 100% of the states criteria before you can get your approval through the council

e) Actual site of the development - Councils determination of "flood liable" land is based on land mapping and flood studies provided by the NSW Government. These are not always as correct as they should be!

eg. Our land has been mapped as "flood liable" plains even though on the old land maps it is shown there are "land islands" that will never flood as they are small ridges and hills amongst the "plains". In our case on our property in question there are two of these islands, Trays Island and Georges Island. Both are certainly larger than the required 200ha.

(F) OPPORTUNITIES FOR STRATEGIC PLANNING TO ASSIST COUNCILS AND LANDHOLDERS

a). Better definitions of what a floodplain is: "natural floodplain" or "developed floodplain" is required in difference to wetlands and natural habitats. A "floodplain" is determined if it has a less than 2% slope.

b). History of land use should be a consideration in determining needs and addressing issues. Just because flood plains are deemed that they must allow natural water flows to continue during flood times doesn't mean government legislation should prevent the management of erosion, soil degradation, loss of production and create economic loss, environmental vandalism and social hardships within a community. This would be better addressed locally and with all the affected landholders involved in developing a strategic plan suitable to the individual area.

SUMMARY

For our family organization the above constraints are enormous and will prevent us from developing the property so that it can stand alone as a business and promote intensification of possible enterprises especially at this time. This decision would be detrimental to both state and local economic growth as well as to our business.

The costs associated with surveying "lots", registering through the "Lands office" and the time period for decisions are a huge burden.

Suggestion: owner should be able to nominate which "lots" are applicable to the building development within a large property that is more than double the size of the "minimum lot size". In this case the distance from the boundary for buildings etc should not be judged by the distance from the "lot" boundary unless on a main road. These lots could then be registered with the Lands office as being classified for "development" saving on surveying and consulting costs and a huge amount of time.

Generally the state government's environmental plans place too many unnecessary rules and restrictions on all rural properties that do not relate to the needs and use of the property. The size of the property does not always determine the use or the productivity and so does not address the

individual needs adequately. I agree it is very different when you have smaller land holdings where agriculture is not the main income and are within a certain distance of urbanization. There are too many different considerations and these should be better addressed by the legislation. We need guidelines not state wide compliance orders! Issues need to be addressed locally.

As for being determined "flood liable" land this basically prevents the landholder from doing any development. There are many different kinds of flood plains across the state, some are much more flood prone than others and there are many different uses depending on location, soil types, climate, and whether they are productive or native grasslands or natural wetlands etc.

Our flood liable land is highly productive all year round but it does flood severely from time to time. Some infrastructure is necessary on the flood plains such as roadways (some to be all weather). There is a ridiculous measurement for the height of roadways, that on black soil changes everyday a vehicle passes over it, but because a road may change the "natural" water flows practical management decisions are not allowed.

It is the same when a landholder is trying to restore soil movement or rehabilitate the soil. These management decisions are restricted by determinations for appropriate works and denied by environmental legislation that inhibits production, economic growth, environmental stability and social hardship.

Abiding by the compliance of the environmental legislation of both land and water is prohibitive.

The current mapping utilities that are being used are not sensitive to individual area needs.

Both landholders and the State of NSW need to be able to better address regional, rural, local and individual needs when it comes to planning and development especially rural landholders.

There is a greater need for government to engage with the individual landholder locally, with less "red-tape", with much less departmental overlays, encouragement of lower unproductive costs, with minimum loss of time so as to promote better regional and economic growth.

We estimate that because of the processes we need to address to get a DA approval to build a residence and accompanying sheds that we stand to lose 2 years in time before building would commence. These same processes mean we would have to engage numerous professionals to advance our way through to final approval and means significant costs. That is no way to encourage business or regional growth. To encourage better efficiencies individuals have to be involved at a more local level.

Presented by and
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