

26 September 2024

Ms Monica Gibson
Deputy Secretary
Planning, Land Use Strategy, Housing and Infrastructure
GPO BOX 5341
SYDNEY NSW 2001

Dear Ms Gibson,

Complying Development Legislation

Thank you for your response regarding Complying Development. Your letter highlights the vast disconnect between Complying Development regulation and reality, and reaffirms longstanding community concerns regarding the neighbour notification process.

As mentioned in your letter, Section 121(2) of the *Environmental Planning and Assessment Regulations 2021* (EPA Regulations) refers to the plans and drawings required to accompany a Complying Development application (not neighbour notification). Applications are lodged via the NSW Planning Portal and are not publicly accessible. Your letter confirms; *“although neighbours can request to see the plans of the complying development, there is no obligation for the applicant to make these available”*.

In 2022, Georges River Council launched a [Certification Campaign](#) to advocate for more accountable and responsive processes for Private Certifiers. The campaign was born from the sheer number of community complaints received by both Council staff and Councillors, as well as rising numbers of devastating incidents of non-compliance across the Local Government Area.

To commence the campaign, Council facilitated community consultation from November 2022 until January 2023. The lack of transparency and accountability of Private Certifiers, specifically in relation to Complying Development plans, was one of the most prevalent complaints noted during the consultation period. Members of the Georges River community came forward to provide tangible examples of Private Certifiers obfuscating privacy and copyright restrictions to avoid sharing plans to noncompliant developments.

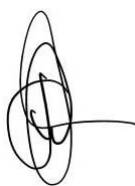
Amending section 134 (4) of the EPA Regulations to include the submission of a sufficiently detailed site plan and sufficiently detailed elevation plans in the notice to neighbours and Councils, will allow the community to determine the impact of a Complying Development in circumstances where the neighbour notification process, as currently regulated, often fails.

It was noted in the General Manager's [original letter](#) that while Complying Development Certificates are not open for submissions, the practical effect of the pre-approval notification is fundamentally compromised by the lack of transparency and access to sufficiently detailed plans. This sentiment is reflective of Georges River Council's Certification Campaign and the subsequent [Council Resolution](#) from the 24th of June, 2024.

It is noted that the Department considers 14 days an appropriate timeframe for pre-approval notification for the sole reason that the timeframe complies with the requirements of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP). Given that the emphasis of pre-approval notification is to promote neighbourly conversation on an increasingly contentious topic, it may be time to review this standpoint as a response to current conditions and community expectations (last paragraph of MDPE24/2360).

Thank you for the rhetoric surrounding State Government's housing targets. Georges River Council welcomes sustainable, well-planned, regulated complying development as well as a genuine review of the [original letter](#).

Should you require any further information, please contact me on 9330 9450.



Joseph Hill
Director, Environment and Planning

