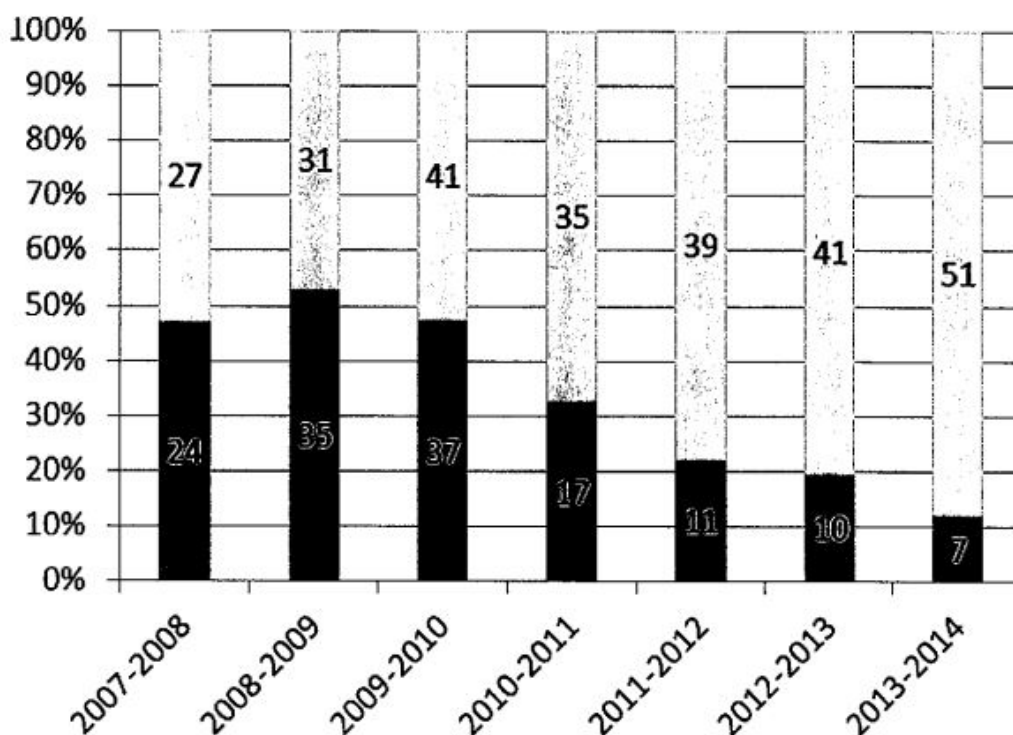


EMAIL SUBMISSION

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Comment:

1. 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 number 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.



NSW Planning & Environment has repeatedly provided assurance 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.

2. There are several factors contributing to the reduction in complying development, including:
 - (a) Complexity – The provisions of the 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 (i.e. greater certainty about process), therefore there is little point wasting time inquiring whether a proposal is complying development
3. 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
- C. Early 2014 changes to Codes SEPP introduced occupier notification within 20m radius of site, with a minimum of 14 days before an application can be determined. This has meant that it can be quicker to process a DA and CC if no neighbour notification is required for the DA. Given that neighbours have no right to object to complying development, the notification process is pointless and causes necessary delays. This requirement should be removed to facilitate complying development.