

Dear Dept of Planning

I'm writing to you to bring to your attention the serious flaws in the Housing Code provisions that are currently in place in NSW . This legislation which allows for "complying developments" namely dwellings of up to 430 sq metres !! to be built without any consultation with neighbours and more importantly without any consideration of the impact of such a development on neighbouring properties. This is grossly unjust and plainly wrong.

I've been affected by a purported complying development and my property (as well as another 10 surrounding properties) has been devalued by hundreds of thousands of dollars - due to loss of privacy, loss of views, loss of amenity etc etc.

As Councils are not the regulatory authority on these developments due to the fact that this is a state planning instrument the result is even more onerous. The affected neighbours do not have anywhere to turn. The legislation should at the very least assign regulatory authority onto Local Councils to oversee and ensure compliance with the provisions and restrictions of the legislation in force.

Whilst there is a case for simplifying the development application process, that should not be done by completely removing the fundamental and basic rights of neighbours as well as giving all power to the certifier (who in these circumstances has the power to act as the issuer of the approval overseeing the building, and approving it !!) and the Council is removed from the picture altogether. This is unjust and very poorly thought out.

In summary:

1. This legislation allows for too big a development to be erected. A 430 sq m dwelling in the midst of a densely populated Sydney metropolitan area is sure to impact adversely and significantly a number of surrounding properties.
2. The avenue to seek remedy or rectification should be simplified and accessible to ordinary residents such as neighbours. This legislation currently only offers undertaking proceedings through the Land & Environment Court which is hardly the avenue the everyday person can undertake due to the cost, the complexity and the angst.
3. The certifier is given undue and excessive powers under the current provisions. They approve the development through a CDC, they oversee the construction and completion and they approve the completion, compliance and all other responsibilities that a Council or third party would logically undertake. As they are only paid by the applicant therefore they are only acting on their behalf and for their interests. All fluffy provisions in the current legislation about consulting with the neighbours is not reality. Neighbours simply do not have any rights to protect their property.
4. The success of a certain piece of legislation such as the Housing Code and complying development legislation should not be evaluated merely by the number of CDCs issued in the current time.

There should be a thorough investigation and evaluation on the significant negative impacts the resulting "complying developments" have had on neighbours, the value of the surrounding properties, the loss of amenity and the angst and cost it has caused for Councils (who do not see themselves as the regulatory authority in these matters but to whom affected neighbours turn to) and the legal costs involved in seeking legal advice by both the applicants and the affected neighbours.

Please alert the Planning Minister Rob Stokes to abolish this legislation and ensure that any replacement provisions are thought out properly, balancing the rights of applicants /developers and the rights of neighbours.

Thank you