

6 November 2012

Mr Shayne Watson  
Director, Assessment Systems and Strategies  
Department of Planning and Infrastructure  
GPO Box 39  
Sydney NSW 2001

E-mail: [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)

Dear Mr Watson,

**Re: Proposed changes to Statewide streamlined approvals code**

The Urban Taskforce represents Australia's most prominent property developers and equity financiers. We provide a forum for people involved in development and the planning of the urban environment to engage in constructive dialogue with government and the community.

The Urban Taskforce has reviewed the *draft proposed amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP)* and supporting documentation. While we strongly support the expansion of the Codes SEPP, we take this opportunity to again highlight the urgent need for Government to continue to vigorously pursue the reduction of red tape in the New South Wales planning system.

Despite the urgent need for continued reform, the Urban Taskforce is particularly pleased to read that the proposed amendments to the Codes SEPP will:

- provide for new industrial buildings up to 20,000 m<sup>2</sup>, and additions to existing commercial buildings up to 1000 m<sup>2</sup> for retail uses and 2,500 m<sup>2</sup> for commercial uses;
- provide for commercial and industrial development types including first use, changes of use, fitouts and ancillary development are also included in this new code;
- allow for internal building alterations to multi-unit developments, and minor external additions to multi-unit developments where there is no additional floor area;
- include new types of exempt development including advertising and signage, temporary uses and structures, expanded changes of use; and,
- amend the provisions for land based exclusions and other restrictions to increase situations where exempt and complying development can be undertaken.

It is noted that complying development provisions for industrial, commercial and retail uses are size limited. It is accepted that there is a need for the application of a standard or limit, but arbitrary limits should be avoided. We are unable to determine why such limits have been set and would recommend the application of site limits relative to context and/or ratio of floor area to land size. For instance a 50,000m<sup>2</sup> industrial shed located on a vast and remote industrial site will have negligible impact and could be considered as complying in that context.

Furthermore, caution should be exercised with the need to advise neighbours prior to the issue of a complying development certificate. That is, when the community is advised that an application has been received, but not yet determined, gives an unrealistic expectation that the community is entitled to make comment on the application and that these comments must be considered prior

to determination. While we are not opposed to improved neighbourhood relations and would encourage those engaged in development to consider the welfare of neighbours, advising all property owners within fifty metres of a development site, before the issue of a complying development certificate, may cause more harm to neighbourhood relations than good, particularly when those notified realise that they have no right to object to a proposal and that any suggestion for amendments to design are entirely at the will and discretion of the applicant.

If Government is committed to this notification process, then it is strongly suggested that the notification template include clear advice that the notification is simply a courtesy advice to those in the vicinity of a site where building works will soon commence and while those notified are at liberty to make comment, the applicant is under no obligation to accept comment or otherwise alter their proposal.

Notwithstanding the above, the proposed amendments to the Codes SEPP are the type of reform that is urgently needed to encourage development for the benefit of the community and the economy of this state. The State Government should be congratulated for taking this initiative.

We are always willing to provide a development industry perspective on planning policy and we would welcome the opportunity to discuss these issues with you in more detail. Should you have any further enquires in relation to this submission please feel free to contact me on telephone number 9238 3927.

Yours sincerely  
**Urban Taskforce Australia**

A handwritten signature in blue ink, appearing to read 'Chris Johnson', with a long horizontal flourish extending to the right.

Chris Johnson, AM  
Chief Executive Officer