Complying development approvals
Response given to Inner West Courier

When were the complying development provisions changed to apply to properties on a minimum block size of 200 square metres? The Leichhardt mayor said changes have been made by ‘stealth’. What would you say to residents who are seeing demolition and rebuilds without their consent?

Department of Planning and Infrastructure response:

A State environmental planning policy amendment finalised on 1 December 2010 reduced the minimum lot size which could qualify for 10-day approvals by an accredited or council certifier (known as complying development).

The change took effect on 25 February 2011 and reduced the lot size from 450 square metres to 200 square metres.

This was in response to positive feedback on the complying development provisions for dwellings on larger lots. The amendment only allowed for complying development where risks and impacts are low, and did not allow for complying development on the large number of small lots in inner-ring suburbs of Sydney within heritage conservation areas.

The 200 square metre minimum lot size and other changes were the subject of a discussion paper in 2010. There were information sessions on the discussion paper throughout the State before the changes were finalised.

Where development qualifies to be assessed and approved as complying development, there are still notification requirements to ensure neighbours are informed about what is being built. The owner must:

- notify neighbouring owners or occupiers in writing two days prior to work starting; and
- install a site sign with contact details for the duration of construction.

In addition, the Principle Certifying Authority must inform the council in writing of the approved complying development certificate within two days of determination. This ensures that the council is kept up to date on complying development approvals and that residents can view these approvals.

If there is evidence of development under the code having an unreasonable impact, we are happy to see whether changes should be made.