



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

12th June 2007

DSDS1	REVIEW OF DEVELOPMENT CONTROL PLAN 30 EXEMPT AND COMPLYING DEVELOPMENT FILE: T5-97 DJW {Folio No. *}
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SUMMARY:

Reporting that draft amendments to Development Control Plan 30 Exempt and Complying Development within the Kempsey Shire has been exhibited with no submissions received.

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BACKGROUND:

At its meeting of 17th April 2007 Council resolved to place draft Development Control Plan 30 Exempt and Complying Development on public exhibition for a period of 28 days, incorporating a number of amendments.

To provide information to the public and consider matters of concern, an information night was held on Monday 16th May 2007. The information evening was attended by Mayor Betty Green and Councillor Janet Hayes. No members of the public attended.

Complying Development can be summarised as follows: -

- Complying Development relates to only minor developments with minimal environmental impacts which may be undertaken provided it complies with a set of predetermined development standards.
- Due to minimal likely impacts, Complying Development does not require neighbour notification.
- Complying Development Certificates must be issued within seven (7) days of receipt of an application.

Proposed amendments are seeking to increase the utilisation of Complying Development in order to achieve considerable efficiency gains without sacrificing proper assessment of more complex proposals.

Development Control Plan 30 – Exempt and Complying Development

The changes proposed for Exempt Development are as follows: -

- Environmental Protection Work where undertaken on or behalf of Public Authority.
- Free standing garden shed greenhouse, tool house, cycle shed, bird aviary, cabana, gazebo maximum height increased to 2.4m and side boundary setback reduced to 600mm.
- Real Estate signs in residential and rural zones introduced.
- Real Estate signs in commercial and industrial zones introduced.

The changes proposed for Complying Development are as follows: -

- Detached outbuildings in Zones 2(a), 2(b1) and 2(v) increased in height to 2.7m and reduced side boundary setback to 600mm.
- Description of one and two storey dwelling house and dwelling house alterations in Zones 1(c) and 1(g) modified to remove any ambiguity.
- Streetscape in Zones 1(c) and 1(g) have been modified and clarified to remove any ambiguity.
- Description of Dwelling House alterations in Zones 1(a1) and 1(a3) has been modified to remove any ambiguity.
- Streetscape in Zones 1(a1) and 1(a3) have been modified and clarified to remove any ambiguity.

Public Exhibition

The draft Development Control Plan was exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulation with no submissions having been received.

REPORT IMPLICATIONS:

- ***Environmental***

Complying and Exempt development cannot be carried out in environmental sensitive areas.

- ***Social***

Allow applications to be considered as Complying Development.

- ***Economic (Financial)***

The proposal to extend the use of Complying Development which will provide an economic benefit only for the period of construction.

- ***Policy or Statutory***

Environmental Planning and Assessment Act 1979 details the process to amend Development Control Plans.

The Exempt and Complying Development Control Plan is given effect through Clause 57 of Kempsey Local Environmental Plan 1987. It is necessary to amend the Kempsey Local Environmental Plan to refer to the date of adoption of the amendments to the Development Control Plan.

- **Director's Review**

The increased utilisation of Complying Development has resulted in considerable efficiency gains and reduced processing times and now accounts for 30% of approvals.

For the first ten months of 2006/07 there have been 157 Complying Development approvals which included 31 dwellings, 63 additions to dwellings and 26 detached garages/sheds 37 and swimming pools with a value of \$7,074,118.

As Complying Development places the onus on the applicants to provide greater detail and only relates to more straight forward proposals, considerable efficiencies have been achieved by freeing up resources previously dedicated to assessing proposals as Local Development.

In adopting the current plan, Council sought to ensure that fears expressed by some previous submissions relating to a perceived lack of control over development would not be realised.

Since adopting the plan in June 2004 there have been no complaints concerning developments approved as Complying Development, either relating to impacts of buildings or to non-notification.

The original plan approved in 1999 was quite conservative due to the ability for Complying Development Certificates to be issued by private certifiers and the potential loss of control by Council.

Council must ensure that the level of assessment of development is appropriate to the scale of development and potential environmental impacts. The efficiencies gained through Complying Development allows resources to be reallocated to properly assessing more complex proposals and providing other environmental services the community is increasingly demanding.

RECOMMENDATION

That Council resolve to adopt the Draft Development Control Plan No 30 – Exempt and Complying Development, the subject of this report, effective from the date of public notification.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES