

# FREQUENTLY ASKED QUESTIONS

## Complying Development in the C4 Environmental Living Zone

### Is Council proposing to rezone my land?

No. This proposal is not considering rezoning anyone's land.

### Is this proposal to try and achieve more development in Bywong and Wamboin?

No. Council is not trying to increase density or approve more housing developments in Bywong and Wamboin, but to consider the opportunity to provide an additional pathway for owners to obtain development approval.

### What is Council trying to achieve?

This proposal has come about because there has been a desire from community members in Bywong and Wamboin to have a complying development pathway for development. There is also a recognition that Bywong and Wamboin has some important and beautiful environmental areas and that's why we would like to know where the community feels it would be appropriate to have complying development. As part of this, we would also like to know the types of complying development that the community feels are appropriate for Bywong and Wamboin.

Earlier this year, Council staff prepared a draft Scoping Proposal to enable Complying Development to be an approval option within a number of areas zoned C4 Environmental Living throughout the Local Government Area and subject to meeting certain specified preconditions. This was considered at the Council meeting of 8 February 2023, where it was resolved:

That consideration of the Scoping Proposal – Complying Development in Zone C4 Environmental Living **be deferred** until a community workshop and Councillor workshop can be conducted.

In keeping with the above resolution, a Councillor workshop was conducted to further discuss the Scoping Proposal.

The community workshop was held 1 November 2023. This workshop was to hear the community's views on having an additional pathway (separate to the usual Development Application pathway) in the C4 Zone for owners to obtain development consent. This pathway would be available for straightforward or minor development ("complying development") that can be determined through a fast-track assessment by Council or by an accredited certifier, which would make the process less expensive and time consuming for the applicant.

Complying development is essentially a combined planning and construction approval for straightforward development; it can apply to a range of things such as the construction of a new dwelling house, alterations and additions to a house, ancillary buildings and structures, or demolition of a building etc.

To be considered eligible for this “complying development” pathway, a proposed development would have to meet specific criteria set out in the Inland Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

### **What is Complying Development?**

Complying development is an alternative planning approval pathway to submitting a development application. Complying development is a fast-track process for low impact, straightforward residential, commercial, and industrial development. Note that these developments **must** be permitted in the land-use zone applying to the property, in the first instance. State wide (with one known exception), this option is provided by what is called the *State Environmental Planning Policy (Exempt and Complying Development Codes)* (Codes SEPP).

The Codes SEPP contains requirements and standards for a range of development types that can be complying development. Depending on the type of development proposed, and the zoning of the land that the development is to be constructed on, different Codes with different pre-determined development standards will apply. To be complying development the development will have to meet all of the standards and requirements of the Code that applies.

For our LGA, Part 3D *Inland Housing Code* (Part 3D) of the Codes SEPP generally applies to our Rural, Village and Residential land-use zones. It does not apply to the C4 Environmental Living zone. The proposal we are considering is to expand its coverage (through the scoping proposal) with some restrictions to the C4 zone.

### **Does complying development usually occur in C4 Environmental Living Zones?**

Very little. As such, the only usual approval pathway is to lodge a development application.

### **Why doesn't it usually occur?**

C4 Environmental Living zones have special characteristics that distinguish them from most residential zones. These are reflected in the objectives for this zone and requires applicants/assessing officers to take measures to ensure that any development complies with them.

These objectives include:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To encourage development that is visually compatible with the landscape.
- To minimise the impact of development on the natural environment.
- To ensure development does not unreasonably increase the demand for public services or public facilities.

Of the 15 areas of this zone over the LGA, many also immediately adjoin large areas of natural bushland which add to their special characteristics.

At present only the following parts of the Codes SEPP apply to the C4 zone:

- Part 4 Housing Alterations Code
- Part 4A General Development Code

- Part 5 Industrial and Business Alterations Code
- Part 6 Subdivisions Code
- Part 7 Demolition Code
- Part 8 Fire Safety Code

### **Which State government agencies are likely to be involved in the process and what are their roles?**

The Department of Planning and Environment (DPE) and Biodiversity and Conservation (BDC) are seen as key agencies. Council staff have sought advice from the DPE on whether or not they will support the scoping proposal/planning proposal going forward.

### **What has DPE advised in relation to securing Complying Development in C4 areas?**

At the Councillor workshop, questions arose regarding how the proposal could be implemented. Council staff met with DPE staff to get clarification on issues raised by Councillors. BDC was clear it would **only** support complying development on C4 properties that were included in the Biodiversity Study completed by Biosis (being Bywong and Wamboin) and **only** those areas identified as having low biodiversity value (Class 3 lands). Without the support of the DPE and Biodiversity and Conservation this scoping proposal is unlikely to go forward.

### **What studies are needed to progress with the Scoping Proposal, what studies do we already have and what would be needed?**

If the proposal is to apply to all C4 zoned properties in the LGA, detailed biodiversity studies such as the Biosis Study would be required for all C4 zoned land. This would incur considerable expense.

To date, detailed biodiversity studies have only been carried out for Bywong and Wamboin. This is why it is recommended that the focus of the Scoping Proposal be narrowed from all C4 zoned properties in the LGA to only C4 zoned properties in Bywong and Wamboin at this time.

### **How many C4 zoned properties are there in Bywong and Wamboin?**

There are currently 1,340 C4 zoned lots within Bywong and Wamboin.

### **How many properties in the Bywong and Wamboin C4 zoned areas benefit from a dwelling envelope?**

Approximately 212 lots.

### **What is a building envelope?**

A building envelope is a surveyed area shown on the registered plan of a lot within which construction of any buildings and structures must be located. It is created under section 88B of the *Conveyancing Act 1919*, usually at the time of subdivision. This is done to protect other significant environmental features on the property from disturbance.

### **What could a building envelope enable in terms of complying development?**

Building envelopes are generally applied to land that has already been disturbed or does not contain high value biodiversity, therefore, they would be considered suitable for the complying development approval pathway.

### **How would a property owner prepare a building envelope if it hasn't got one?**

A surveyor would have to prepare a plan identifying the suitable building envelope and the plan requires registration at Land Titles.

### **If I have a designated building envelope registered on my property, how does it affect what I can do?**

Development of any kind (including exempt and complying development) may **only** occur within the boundaries of the building envelope.

### **What is the proposed Inland Code development pathway?**

The Inland Code is part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP). It provides for a range of complying development on inland rural and residential zoned land within the Local Government Area and brings together the planning rules for new development. It was brought in to simplify and speed up the planning process for homeowners and farmers in regional NSW.

If your proposal meets the development standards in the Code, you can seek approval via the complying development pathway and potentially have an approval in 3 weeks.

The types of complying development that could be considered on properties identified as suitable are found throughout the Inland Code (Clause 3D of the Codes SEPP). They include:

- Dwelling house – 1 or 2 storey and any attached development
- Alterations and additions to a 1 or 2 storey dwelling house and any attached development
- Detached development and the alteration or addition to any detached development
- Cabana, cubby house, fernery, garden shed, gazebo or greenhouse
- Carport or garage
- A balcony, deck, patio, pergola, terrace or verandah
- A rainwater tank (above ground)
- A shade structure or shed
- Driveways, fences, pathways and paving, retaining walls, downpipes, electricity or gas meters, fascias, gutters, light fittings, aerials, antennae, awnings, chimneys, cooling or heating appliances, eaves, flues, pipes, structures associated with the provision of a utility service
- Swimming pool, swimming pool coping and decking, child resistant barrier
- Farm buildings (as defined in the Standard Instrument and only on lots 4000m<sup>2</sup> or larger and subject to meeting specific development controls i.e. setbacks), ancillary office to a farm building
- Shipping container
- Stock holding yard, grain silo, grain bunker (subject to specific development controls)

- Earthworks, retaining walls and structural support.

The Inland Code currently does not apply in the C4 Environmental Living Zone due to the need to protect environmental features. It is possible, however, for Council to seek approval from the State Government to amend the Queanbeyan-Palerang Regional Local Environmental Plan 2022 to effectively “turn on” the Inland Code in certain areas of the C4 Environmental Living Zone where it can be demonstrated that there is not high level biodiversity.

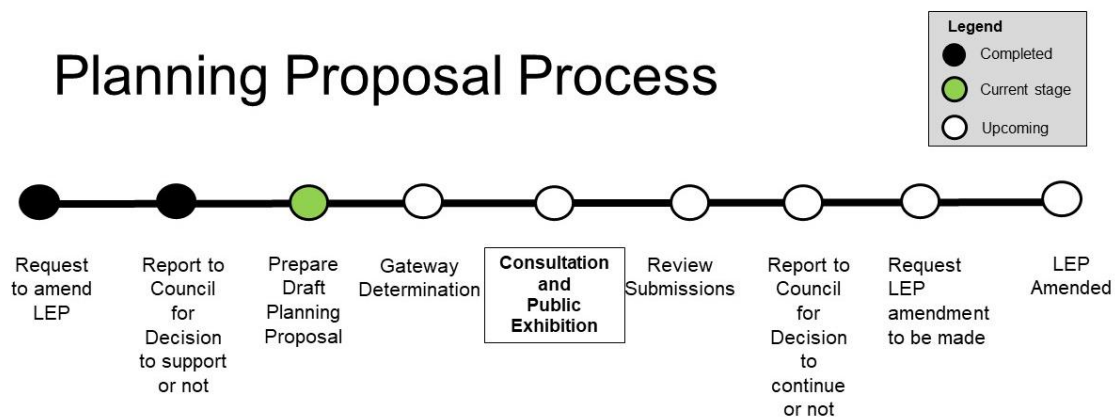
### How many properties are shown as having low value biodiversity values in Wamboin and Bywong and may be able to use the proposed Inland Code approval pathway?

The Biosis Study identifies 167 lots that are completely within the grey mapped area (class 3 low value). Under this proposal, these lots would be able to use the Inland Code development pathway.

There are also 730 lots are partially within the grey mapped area and **may** be able to use the Inland Code, depending on the size of the area mapped, the type and size of the proposed development, and individual site characteristics such as slope and ability to access.

### What are the next steps in this case?

All information gathered at this Workshop and from feedback given via Council’s ‘Your Voice’ webpage will be collated and reported to Council in the new year.



### How do I provide input on the proposal?

There are several options to provide input:

1. Attendance and contribution at the workshop and drop-in session on 1 November 2023
2. Using Your Voice website and survey
3. Attending Council meetings when the matter is reported to Council in the new year
4. Submitting comments when the Planning Proposal is formally placed on public exhibition (provided Council agrees to progress the matter).