

Frequently Asked Questions

Complying Development in the C4 Environmental Living Zone

Why have I received this notification from Council?

Council is notifying all landowners with property zoned C4 Environmental Living (C4) about a draft **planning proposal** it has prepared. The planning proposal is to enable minor **complying development** opportunities which will not impact any lands with high environmental values in all C4 zoned areas within the QPRC Local Government Area.

For over a decade, Council has made several attempts to re-establish complying development rights in the C4 zone, driven primarily by the communities of Bywong and Wamboin. This dates back to when the NSW Government made changes to its standard instrument which, in part, removed the ability of landowners in certain zones to undertake minor complying development on their property.

What is **NOT** part of this planning proposal:

- Rezoning
- Allowing prohibited uses
- Intensifying development (**NO** dwellings, dual occupancies & secondary dwellings)
- Expanding the range of permissible land uses.

What is Complying Development?

Complying development is a fast-track process for low impact, straightforward residential, commercial, and industrial development. This option is provided by the NSW *State Environmental Planning Policy (Exempt and Complying) Development* (Codes SEPP). The Codes SEPP also contains the requirements and standards for a range of development types that can be complying development.

What types of development could I do as complying development?

In general, straightforward minor development, such as:

- Alterations and additions to a 1 or 2 storey dwelling house and any attached development

Ref: 3163308

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- 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, fascia, 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 4000m² or larger and subject to meeting specific development controls i.e. setbacks), ancillary office to a farm building
- Shipping container
- Earthworks, retaining walls and structural support.

How does the planning proposal affect me and my property?

The draft planning proposal will have no impact on your property in terms of its zoning or permitted uses. If successful, landowners that want to undertake minor development on their C4 zoned property, (such as adding a balcony to an existing dwelling, installing a swimming pool, or a shed, for example), may be able to obtain approval for the works via a simpler, faster and less expensive complying development approval pathway. Complying development can be done through Council or a private certifier.

How will the planning proposal bring about change?

The draft planning proposal poses a relatively simple solution to what has been previously viewed as a complex issue. It negates any need to rezone and makes use of an existing set of built form development controls for complying development, which are in place specifically to address protection of environmental features, bushfire prone land (which is generally the case for C4 zoned land), and reduction of conflict between land uses.

The draft planning proposal seeks NSW Government approval for a **variation to the Inland Housing Code** (Part 3D) of the Codes SEPP to allow a range of minor development types that are:

- in the C4 zone, and
- ancillary to an existing dwelling house, and
- sited within the designated **Asset Protection Zone** and registered **building envelope** for the dwelling house, and
- not requiring removal of any native vegetation, and
- compliant with the development standards for the development type, as specified in the Inland Code.

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An Asset Protection Zone (APZ) is prescribed for the purposes of bushfire protection, in accordance with NSW Rural Fire Services' *Planning for Bushfire Protection*. A building envelope is defined by legal survey and registered on title, usually at the time of subdivision. Any development on the lot created must occur within the boundaries of the building envelope.

What if I haven't got an established APZ or a registered Building Envelope?

You would need to seek development consent by lodging a Development Application on the NSW Planning Portal. If the proposal is simple and straightforward, it may be processed by Council's Fast-Track Development Assessment Team which will significantly reduce the waiting time.

Why isn't complying development already an option in the C4 Environmental Living Zone?

The C4 zone has special characteristics that distinguish it from most residential zones. These are reflected in the objectives for this zone and as such require 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 many occurrences of this zone over the Local Government Area, many also adjoin large areas of natural bushland which add to their special characteristics.

How will the special ecological, scientific and/or aesthetic characteristics of the C4 Zone remain protected?

Any proposed minor development must be sited within an existing building envelope or cleared APZ to ensure critical habitat and flora and fauna are not disturbed. If the criteria are not met, an applicant must seek development consent through a formal Development Application, which requires an environmental assessment.

What has the NSW Department of Planning, Housing and Infrastructure advised in relation to securing complying development in C4 zoned areas?

Preliminary consultation has been undertaken with key agencies on several occasions in conjunction with a previous scoping proposal. Referral agencies are generally supportive of making the approval process simpler but have expressed some concerns regarding mechanisms proposed to date.

Further consultation will be undertaken with relevant agencies as the planning proposal progresses.

Where can I see a copy of the draft planning proposal?

The draft planning proposal will be available to view by the public via Council's website by 4 pm on the Friday preceding the Council meeting. If you wish to be notified of the date of the Council meeting at which the draft planning proposal will be considered, please provide your contact details to landuseadmin@qprc.nsw.gov.au. Council agendas can also be viewed at <https://www.qprc.nsw.gov.au/agendas>.

What are the next steps?

Following consideration of the draft planning proposal, Council may direct its officers to either:

- 1) Not proceed
- 2) Make amendments to it; and/or
- 3) Formally lodge the planning proposal application on the NSW Planning Portal.

Once lodged, the Department for Planning, Housing and Infrastructure will consider if there is sufficient merit to issue a 'Gateway' determination. The Gateway determination will include conditions that must be satisfied prior to approval, including agency referrals and a public exhibition period.