Submission No 77

INQUIRY INTO RURAL HOUSING AND SECOND DWELLINGS REFORM

Name: Name suppressed

Date Received: 10 October 2025

Submission to
Legislative Council Parliament of NSW

Select Committee on Rural Housing and Second Dwellings Reform

Overall I support the proposal and consider it has great merit.

The proposal has potential to provide significant benefits to both the community and government by making it easier for multi generational living, allowing younger generations to support their parents to stay in their existing homes for longer taking pressure of Government funded age care facilities.

The new policy should allow second dwellings in C3 and C4 zonings to be assessed as Complying Development. Exclusion of these zones would be a significant wasted opportunity to allow more housing choice and diversity.

The policy should apply in the Local Government areas of Wollondilly, Wingecarribee and Hawkesbury shires, as this is where there is greatest potential to benefit the most citizens.

However, you must guard against allowing Councils to undermine your intentions by unnecessarily forcing applications out of the Complying Development SEPP approval pathway. If such occurred, it would be a waste of the NSW Planning Departments and Legislative Government time in making the amendment.

Permissibility of Second Dwellings

Please give careful consideration to not allowing excessively prescriptive SEPP requirements which will act as loopholes to enable Council to effectively ignore the Government's intentions and make nearly all such applications end up as Development Applications rather than having the flexibility of being considered under the Complying Development SEPP code.

You need to recognise how Councils think "How can we stop the changes from working and keep our existing level of control".. then ensure you do not make it easy for Council to stop applications from being considered as Complying Development.

Small details in the SEPP codes requirements can make the whole policy redundant.

Examples
Many of the locations in which you are proposing to allow a second dwelling will be bushfire prone. **Second dwellings should be allowed in all land zonings if a 10,000 litres water supply is provided on the lot.**

The existing SEPPS Housing Code Section **3.4 Complying development on bush fire prone land,** has a requirement that dwellings are not permitted in some land zonings unless the dwelling is within 70 metres of a fire hydrant. **If a requirement to be within 70 metres of a fire hydrant is applied then second dwellings would be impossible in most if not all rural zone lands in NSW.**

This one small (senseless) requirement will make the whole policy impossible to be used.

The SEPPS Housing Code Section **3.4 Complying development on bush fire prone land** should apply, and paragraph **(g) (ii)** should apply **regardless of what zone the land is in**. i.e. the development should be allowed in **all land zonings if a 10,000 litres water supply is provided on the lot.**

Re Draft Model Instrument
Development Standards for Second Dwellings (Rural Dual Occupancies)

Front Setbacks. The suggestion to include a requirement "that front setback of the second dwelling to be no closer (to the street) than the existing dwelling on the same parcel of land" is an unnecessary restriction which will sterilise many proposals which would otherwise be allowed to be approved as Complying Development under the policy.

Such a requirement would serve no purpose other than to prevent applications being approved under Complying Development.

The more appropriate requirement would be that the second dwelling should comply with the normal front setback applicable to the zone.

I know of many examples in Wollondilly Shire rural zones where the existing residence is located in the centre of the allotment and could be 100 metres or more distance from the street, while adjoining properties have the existing dwellings only 18 metres from the street. The proposed control should not stop a second dwelling being built on a suitable home site, say 18 metres from the street in line with whatever is the local zone normal setback requirement.

This again is an example of "the devil is in the detail" with **unnecessary controls which serve no purpose other than to make Second Dwellings impossible to be approved under the SEPPs Code, and cause all applications to become Council development applications.**

Thank you for considering my submission. I confirm I am in support of the proposal.
My comments are based on my 30 plus years experience as a professional property Valuer in valuing properties in Rural and C4 zones in Wollondilly Shire and hearing the numerous stories from property owners of how difficult Wollondilly Shire Council makes it to get any approval.

Regards,

Fellow Australian Property Institute
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