

ITEM-2**NOTICE OF MOTION - SECONDARY DWELLINGS IN RURAL AREAS**

We, the undersigned Councillors, hereby give notice of our intention to move at the next Ordinary Meeting of Council –

MOTION

1. The Mayor and General Manager write to the Minister for Planning seeking a meeting to discuss amendments to the Standard Local Environmental Plan to:
 - a. enable the setting of a maximum size for secondary dwellings in rural zones of 110m² of habitable rooms plus an optional attached garage up to 20m² (total 130m²); and
 - b. Remove the allowance for secondary dwellings in rural zones to be 20% of the total floor area of the principal dwelling.
2. The outcomes of discussions with the Minister be reported to Council including options to review Local Environmental Plan 2012 to enable rural residents the opportunity for a detached dwelling plus optional parking.



Councillor Preston

Councillor Collins OAM

Mayor – Dr Michelle Byrne**BACKGROUND**

Secondary dwellings or 'granny flats' allow a greater mix and choice of housing. They can provide an income stream for some households, choices in living accommodation for the property owner and a housing affordability option for lower income households. Council's LEP allows secondary dwellings in both residential and rural zones and limits the size in all locations to 60m² or 20% of the total floor area of the principal dwelling, excluding parking.

To explain, Clause 5.4 of LEP 2012 sets out the size criteria for a range of land uses, including secondary dwellings. It is a 'compulsory' clause under the State wide Standard Instrument LEP and cannot be amended or altered. For secondary dwellings the 60m² part of the control is fixed. The percentage amount was able to be decided by Council when drafting its LEP and 20% was applied at that time in an effort to suit both rural and urban areas.

Some of the development applications lodged for rural zones have not been able to proceed or have needed amendment to comply with the LEP 60m² size criteria. In some other cases the size of existing dwellings can be well over 1,000m², allowing for considerably larger second dwellings that can conflict with the rural character of the area. The problem is that the clause does not work well for the range of dwelling sizes that we have in our rural areas.

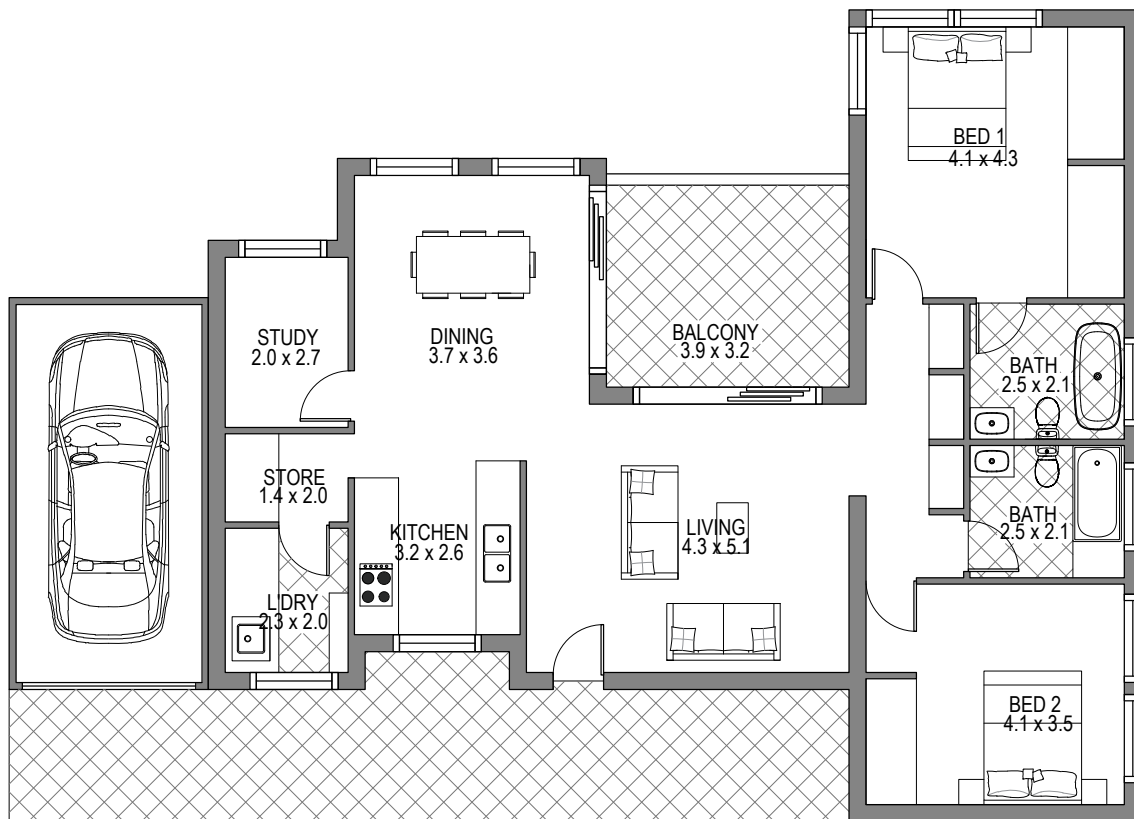
A simpler approach would be to restrict the size of secondary dwelling in rural zones to a maximum floor space. A floor area of around 110m² plus parking would provide for a two bedroom dwelling. I have attached some floor plans showing a typical 110m² dwelling plus parking option.

In order to better reflect the characteristics of the rural locality I ask that we approach the Minister for Planning to discuss amendments to the Principal Instrument - Standard Local Environmental Plan, to enable the setting of a maximum size criteria for secondary dwellings in rural zones. A suggested amendment to the Standard Instrument clause is attached.

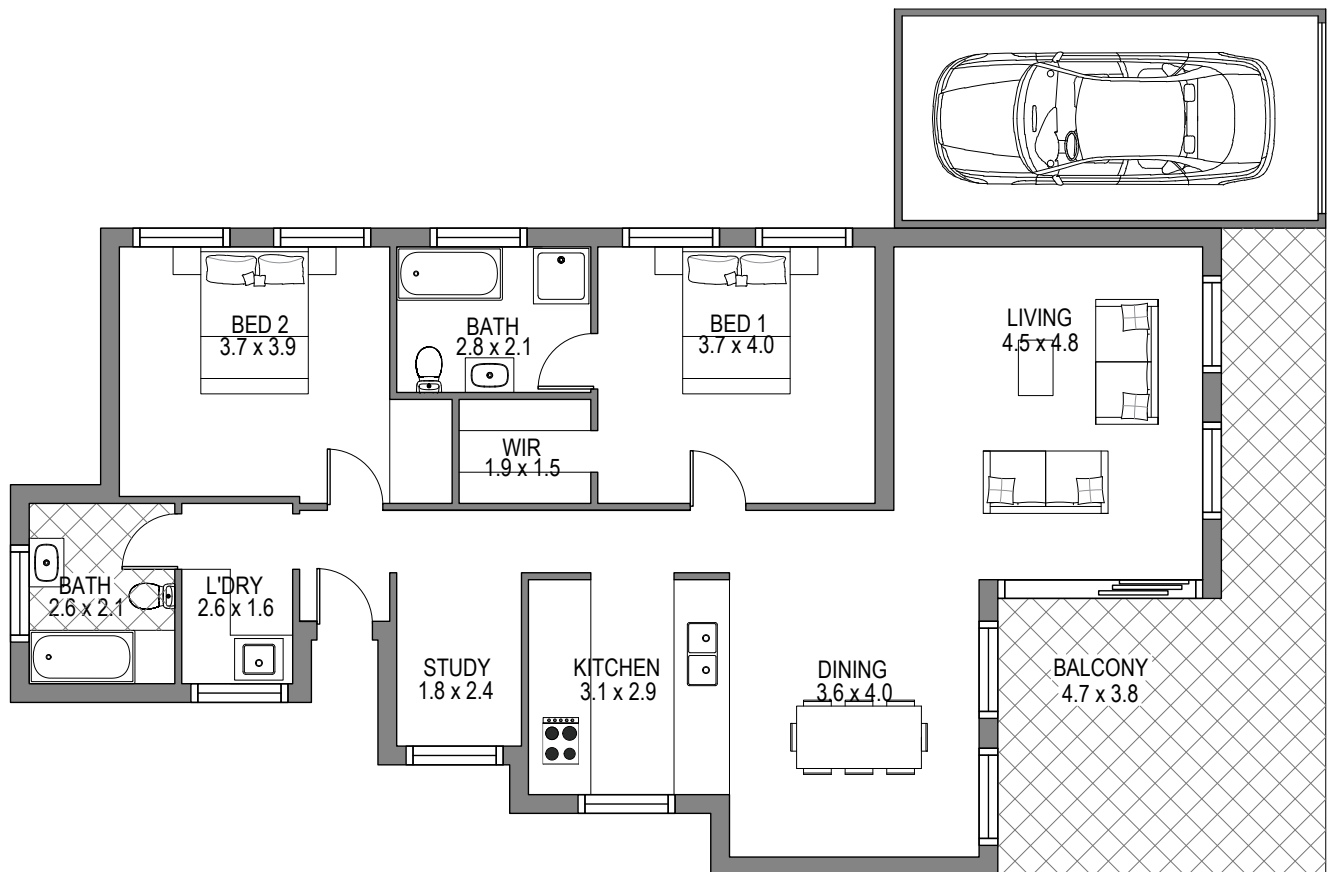
ATTACHMENT

1. Secondary dwelling option 110m² plus parking (3 pages)
2. Suggested amendment to clause 5.4 of the Standard Instrument LEP (2 pages)

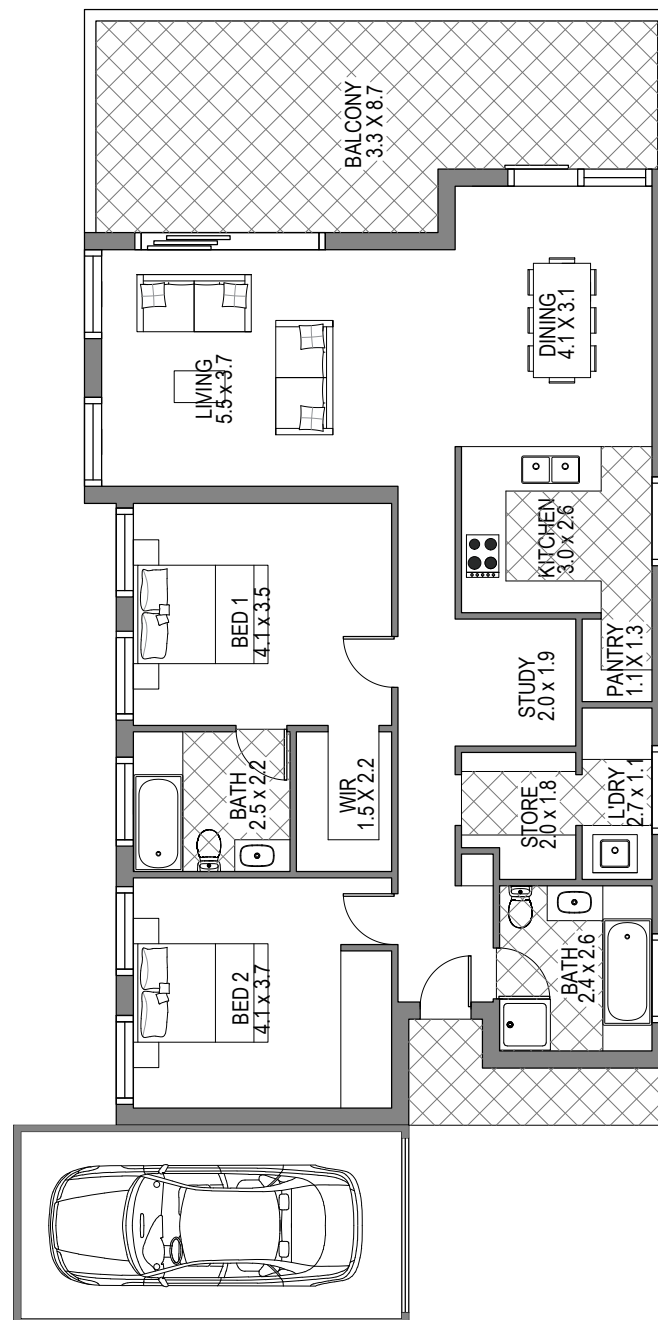
ATTACHMENT 1



110 SQM DWELLING



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5.4 Controls relating to miscellaneous permissible uses [compulsory]**(1) Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than *[insert number not less than 3]* bedrooms.

Note: Any such development that provides for a certain number of guests or rooms may-involve a change in the class of building under the *Building Code of Australia*.

(2) Home businesses

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than *[insert number not less than 30]* square metres of floor area.

(3) Home industries

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than *[insert number not less than 30]* square metres of floor area.

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) *[insert number not more than 67]* % of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
- (b) *[insert number not more than 400]* square metres, whichever is the lesser.

(5) Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than *[insert number not less than 3]* bedrooms.

(6) Kiosks

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed *[insert number not less than 10]* square metres.

(7) Neighbourhood shops

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed *[insert number not less than 80]* square metres.

(8) Roadside stalls

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed *[insert number not less than 8]* square metres.

(9) **Secondary dwellings in urban zones**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) *[insert number]* % of the total floor area of the principal dwelling.

(10) **Secondary dwellings in rural zones**

If development for the purposes of a secondary dwelling is permitted in a rural zone under this Plan, the total floor area of the dwelling must not exceed 110 square metres for habitable rooms plus an optional garage up to 20 square metres (total permitted 130 square metres).

Councillor Tracey enquired whether the Bidjigal Trust had provided any

The Group Manager - Customer, Community Services & Technology confirmed at the time there had been phone calls and correspondence from the Ward Manager, and was not aware whether Council had received a formal response but would follow this up.

409 BY-ELECTION

Shachi Tiwari of West Pennant Hills requested further information regarding the By-Election this Saturday.

The General Manager advised there is a Councillor vacancy which needs to be filled by a By-Election as Council was too far away from the next General Election. The By-election is for West Ward residents only. Residents can log onto Council's Website to view a map and if you live in West Ward it is compulsory for you to vote.

ITEM-2

NOTICE OF MOTION - SECONDARY DWELLINGS IN RURAL AREAS

A MOTION WAS MOVED BY COUNCILLOR PRESTON AND SECONDED BY COUNCILLOR COLLINS OAM THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

410 RESOLUTION

1. The Mayor and General Manager write to the Minister for Planning seeking a meeting to discuss amendments to the Standard Local Environmental Plan to:
 - a. enable the setting of a maximum size for secondary dwellings in rural zones of 110m² of habitable rooms plus an optional attached garage up to 20m² (total 130m²); and
 - b. Remove the allowance for secondary dwellings in rural zones to be 20% of the total floor area of the principal dwelling.
2. The outcomes of discussions with the Minister be reported to Council including options to review Local Environmental Plan 2012 to enable rural residents the opportunity for a detached dwelling plus optional parking.

(Councillor Tracey requested his name be recorded as opposing the Resolution of Council in this matter)

Councillors PRESTON and COLLINS OAM rose for a Division. The result of the Division was as follows:

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 24 July 2018

VOTING FOR THE MOTION

Mayor Dr M R Byrne
Clr R A Preston
Clr Dr P J Gangemi
Clr B L Collins OAM
Clr M G Thomas
Clr E M Russo
Clr F P De Masi
Clr A J Hay OAM
Clr A N Haselden
Clr S P Uno

VOTING AGAINST THE MOTION

Clr R M Tracey

ABSENT

Clr R Jethi

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR HASELDEN AND SECONDED BY COUNCILLOR UNO THAT items 3, 5 and 7 be moved by exception and the recommendations contained therein be adopted.

THE MOTION WAS PUT AND CARRIED.

411 RESOLUTION

Items 3, 5, and 7 be moved by exception and the recommendations contained therein be adopted.

ITEM-3

PROPERTY DEALINGS RELATING TO DEVELOPMENT MATTERS

412 RESOLUTION

1. Council consent to the release of three restrictions on the use of land and a positive covenant from the title of Lots 204 and 223 DP 1183480 and Lot 4283 DP 1190104 (No.'s 7-9 Garrawilla Avenue, No. 9 Deepwater Circuit and No. 8 Woko Street, North Kellyville), and the dealings/ request documents be executed under seal and returned to the applicant concurrently with the Subdivision Certificate for DA 118/2014/ZB.
2. Council consent to the cancellation of a 12.78 metre wide right of access (easement) from the title of Lot 305 DP 1214616 (No. 19 Messenger Street, North Kellyville), and the dealing/ request document be executed under seal and returned to the applicant concurrently with the Subdivision Certificate for DA 580/2017/ZA.