

Attachment 1. Council report and minutes of 18 July 2018 (Min. 223, C07/18-136)

Item No: C07/18-136

**PLANNING PROPOSAL - MINIMUM LOT AREA FOR LOW-MEDIUM DENSITY
DUAL OCCUPANCY HOUSING**

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: S-57-63
Community Strategic Plan Goal: *A resilient built environment*

SUMMARY

Land related to the Proposal	R2 Low Density Residential and R3 Medium Density Residential zones
Proposed Planning Controls	Insert an LEP clause setting minimum lot area standard provisions for dual occupancies
Disclosure of political donations and gifts	Nil

This report seeks a Council resolution to prepare a Planning Proposal for submission to the Department of Planning and Environment (DP&E or Department) for Gateway Determination to enable the deferral of the State governments Low Rise Medium Density Housing Code (the Code) within Cumberland, as requested by Council resolution on 6 June 2018.

This report has been prepared following a receipt of a response and recent meeting with DP&E where the Council was advised to submit a Planning Proposal by 27 July 2018. This report outlines three potential scenarios as options for Council's consideration and implementation during the deferral period.

The DP&E has clarified that deferrals are only being granted for the Part B3B Low Rise Medium Density Code for a limited time, and are only being considered in order for Councils to make relevant preparations, such as transferring minimum lot area controls into their LEPs. After this time period lapses the Codes full provisions will take effect. This report presents Council an opportunity to minimise the impact of the State Government's Code on low density residential zones within Cumberland LGA.

RECOMMENDATION**That Council:**

- 1. Prepare a Planning Proposal to amend the Auburn Local Environmental Plan 2010, Holroyd Local Environmental Plan 2013 and Parramatta Local Environmental Plan 2011 to introduce a minimum lot area for dual occupancy development within Cumberland LGA.**

2. **Nominate 600m² as the minimum lot area for the development of dual occupancies within Cumberland LGA.**
3. **Consult with the community and the Local Planning Panel on the Planning Proposal, following Gateway Determination by the Department of Planning and Environment.**

REPORT

The Department of Planning and Environment (DP&E) released the new *Low Rise Medium Density Housing Code* (the Code) and an associated Design Guide, which commence this month. Complying development under the State Code is a fast-track approval that can be issued by a certifier, without Council officer merit assessment or opportunity for neighbours to make submissions.

The Code forms a new section of the *State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes)* 2008. It will allow two-storey manor houses and terraces as complying development in the R3 Medium Density Residential zones where multi dwelling housing is currently permitted under Cumberland's three *Local Environmental Plans (LEPs)*. It will also allow dual occupancies (with Torrens subdivision) as complying development in both the R2 Low Density Residential and R3 Medium Density Residential zones.

The Code provides a 400m² minimum lot area requirement for dual occupancies. The Code's standards will apply to the new development for the above listed housing types unless the lot area provisions are contained within an LEP. DCP provisions will not apply to such complying development.

At the Ordinary Meeting of 6 June 2018 Council considered a report prepared by Council officers following a review of the Code. This report identified a number of concerns about the Code's inconsistency with Council's Local Environmental Plans (LEPs) and Development Control Plans (DCPs). Three LEPs, namely *Auburn LEP 2010*, *Holroyd LEP 2013* and *Parramatta LEP 2011* apply within the Cumberland LGA. These are each supported by a DCP which provide more detailed guidance.

The Council 6 June 2018 resolved [Item C06/18-106] that:

"Council write to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland until a new Housing Strategy and draft Cumberland comprehensive Local Environmental Plan is completed, consistent with the deferral granted to other Councils."

Consistent with this resolution, a letter requesting a deferral of the commencement of the Code within Cumberland was sent to the DP&E. Council has subsequently received correspondence from the Acting Executive Director, Planning Policy at the Department advising that in response to Council's request the Code will be deferred in the Cumberland local government area (LGA), meaning that applicants will not be able

to lodge a complying development application for dual occupancies, manor houses or terraces until 1 July 2019. (See attachment 1).

At a recent meeting, DP&E staff advised that councils who have their minimum lot area controls in their DCPs will be required to submit Planning Proposals by 27 July 2018, in order for the Department to agree to continue the 12 month deferral from the Code. In any case, the amendment could take up to 12 months from commencement and so should not be delayed if it is to be in place by 1 July 2019. The draft Amendment was published on 5 July and has commenced. (See attachment 2).

This Planning Proposal would need to outline the issues that would result from the application of the controls in the Code, given the inconsistencies of the Code with Council's Local Environmental Plans (LEPs) and Development Control Plans (DCPs).

Due to the limited time available, it is recommended that the Planning Proposal be prepared and submitted for a Gateway Determination as soon as possible following the Council Meeting on 18 July 2018, should Council decide to proceed.

It is further recommended that, in this instance, the planning proposal be referred to the Cumberland Local Planning Panel (CLPP) for advice following the Gateway Determination, due to the timeframe imposed by the DP&E.

The Code Provisions

This report outlines three scenarios for Council's consideration which seek to minimise the adverse impacts of the Code as it applies to the R2 and R3 zones of Cumberland. Council's preferred scenario would form the basis of a planning proposal to amend the relevant LEPs accordingly.

The new planning controls proposed would not change the zoning, height of buildings, or floor space ratio in the LEPs. Rather the proposed amendments seek to incorporate minimum lot area controls for dual occupancies in the LEPs that apply within the Cumberland LGA.

Minimum lot area and width for dual occupancy in The Code

The Code provides for a minimum lot area of 400m² for a dual occupancy consisting of two adjacent dwellings on R2 or R3 zoned land, unless Council's LEP has a different control. It also provides for a minimum lot width of 12m, where there is access to more than one street (i.e. a corner site, or site with rear-lane access), and defaulting to 15m otherwise. Unlike the minimum lot area provision, the minimum lot width in the Code will override any controls in an LEP.

The Code also permits a dual occupancy of one dwelling above part of another dwelling (i.e. two storey dual occupancy) on a minimum lot area of 400m² and a minimum lot width of 15m. The other development standards for this type of housing are the same standards set for manor houses.

Existing Controls within Cumberland

The *Parramatta LEP 2011* has a minimum lot area for dual occupancies of 600m². This would become the minimum under the Code and override the Codes 400m² minimum standard for the former Parramatta LGA (Woodville Ward) area.

However, this would not be the case for the remainder of the Cumberland LGA. The minimum lot area (or site area) controls for these areas are contained within the DCP, rather than the LEP, and the DCP will have no effect on complying development under the Code. As such, the minimum lot area for a dual occupancy as complying development would become 400m² for most of Cumberland.

Dual occupancies are mostly developed in the Low Density residential zones because higher yielding multi dwelling housing development is permitted in the R3 Medium Density Residential zone. A comparison of the minimum lot areas for dual occupancies within the R2 Low Density Residential zone is as follows:

Area	Attached Dual Occupancy	Detached Dual Occupancy
East (Auburn DCP 2010)	450m ²	600m ²
Centre (Parramatta LEP 2011)	600m ²	600m ²
West (Holroyd DCP 2013)	500m ²	500m ²

It is noted that currently at least 900m² (450m² each) is required for Torrens subdivision of dual occupancies under the Auburn LEP provisions and 450m² is the minimum in the R3 Medium Density zone under the Holroyd DCP.

Scenarios

Three scenarios are provided to address minimum lot areas for dual occupancies for Council's consideration. All three scenarios propose that a minimum lot area control be added to the Auburn and Holroyd LEPs. This is to ensure that at least the standard in R2 Low Density Residential zones does not drop to such a level (400m²) that it would be a de-facto, unplanned and underserviced medium density zone.

Scenario 1

Scenario 1 would move the existing lot area requirements for dual occupancies from the current *Auburn DCP 2010* and *Holroyd DCP 2013* to the relevant LEPs (refer to Figure 1). As noted above, *Parramatta LEP 2011* already has a minimum lot area of 600m² for dual occupancies, so no change would be required.

This scenario would essentially maintain the status quo and would present as the least change. Incorporating the current DCP controls into the LEPs allows future development to be generally consistent with the planned residential density under each set of Plans. (Refer to Attachment 3 – Scenario 1 map).

However, Scenario 1 does not provide an easily understood, consistent approach to minimum lot area across Cumberland that is easy for the community to understand. The complying development buildings would no longer be subject to merit assessment of the design, impacts and submissions from neighbours. Buildings become ‘tighter’ and more difficult to design well on smaller lots. Further, while Auburn had the lowest lot area requirements in the R2 Low Density Residential zone, these could not previously be Torrens subdivided. The ability to Torrens subdivide dual occupancies as complying development will increase the prevalence of this form of development and the intensification of the Low Density Zones.

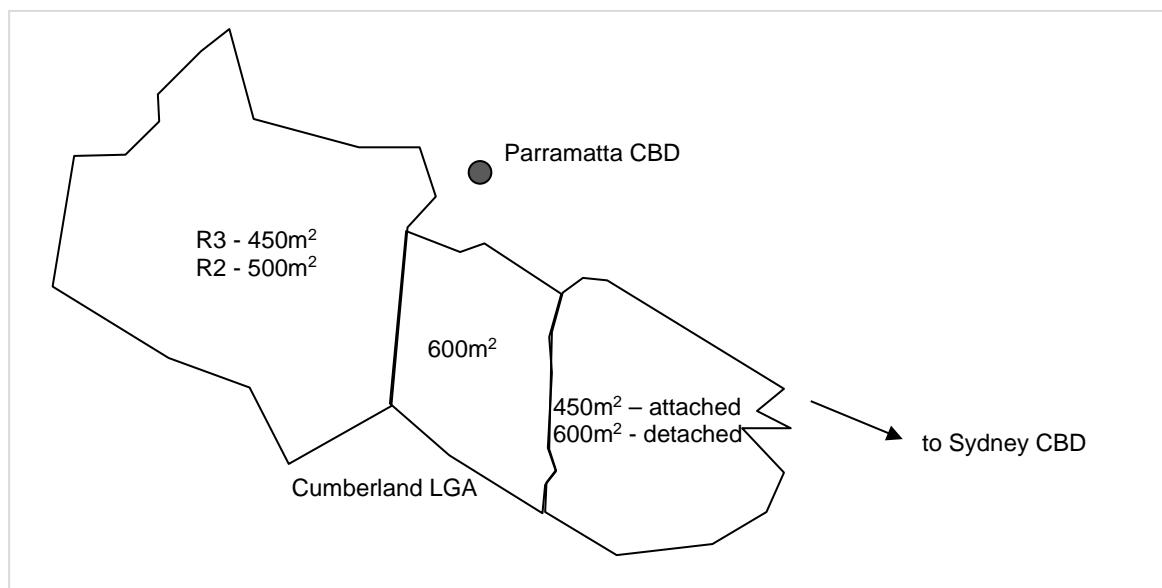


Figure 1. Scenario 1

Scenario 2

In an alternative approach, Scenario 2 would:

- apply the minimum 500m² lot area (from the Holroyd DCP) to attached dual occupancies in all R2 and R3 zones in the Auburn and Holroyd LEPs, and
- apply the minimum 600m² lot area (from the Auburn DCP) to detached dual occupancies in all R2 and R3 zones in the Auburn and Holroyd LEPs, and
- maintain the minimum 600m² lot area for attached and detached dual occupancies in all R2 and R3 zones in the *Parramatta LEP 2011*. (see Figure 2)

Scenario 2 would increase the minimum lot area requirement for attached dual occupancies by 50m² for the former Auburn LGA, though this is considered reasonable given merit assessment is being removed and Torrens subdivision introduced. It would also increase by 50m² for the R3 zone in the former Holroyd LGA, though minimal dual occupancy development occurs within this zone as discussed earlier. As can be seen from the maps at Attachment 3 - Scenario 2 map, this would not affect a large significant number of lots, but would provide a more consistent approach within the Cumberland LGA. Scenario 2 represents a middle ground between the Scenarios 1 and 3. It is noted that with this scenario, Council would need to address this further as part of the development of the one single LEP for Cumberland.

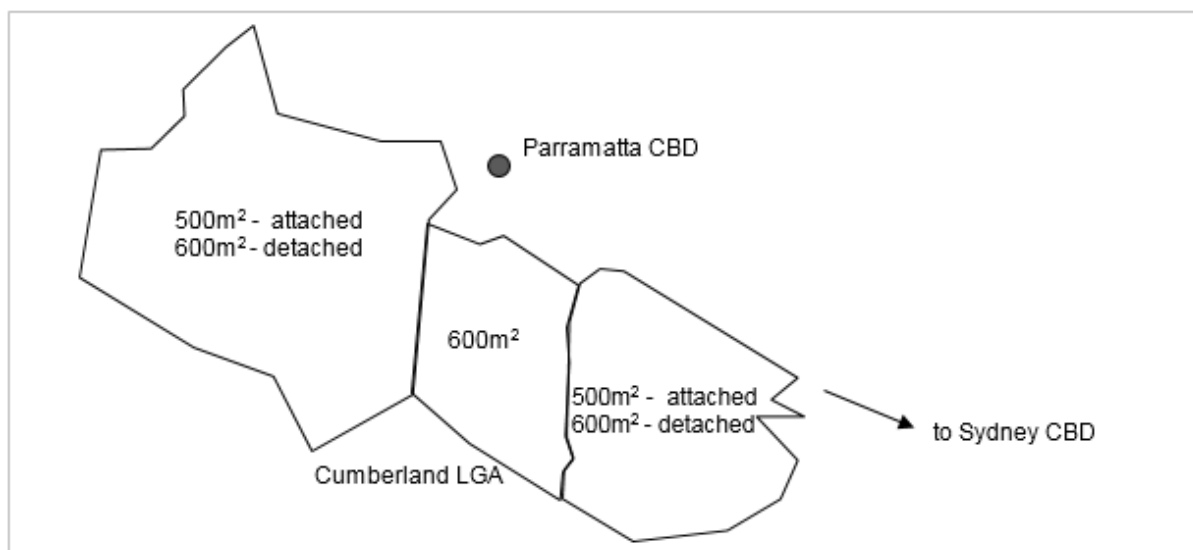


Figure 2. Scenario 2

Scenario 3

A third scenario, Scenario 3, would be to require a consistent minimum lot area for dual occupancies throughout the entire Cumberland LGA, applying the existing minimum 600m² lot area under the *Parramatta LEP 2011* (and for detached dual occupancies under the *Auburn DCP*) to both the *Auburn LEP 2010* and the *Holroyd LEP 2013* (Figure 3).

Scenario 3 delivers a uniform approach to lot areas for dual occupancy development across Cumberland LGA (Refer to Attachment 3 - Scenario 3 map). The proposed minimum lot area of 600m² ensures that the sufficient areas are available for adequate landscaping, setbacks and a built form that does not detract from the local residential character. It would best maintain a density that is consistent with the planned Low Density Residential zoning and the associated planned infrastructure.

Whilst the Code will still have some impact when it comes to force, the increased minimum lot area under this scenario would provide the greatest potential for reasonable design outcomes, and allow more space around the building and between driveways for on street parking and street tree planting. Given the lag in infrastructure provision, this scenario is likely to have the least impact of the three scenarios identified on infrastructure such as schools and hospitals.

Scenario 3 would increase of the minimum lot area for former Auburn and Holroyd LGAs by 150m² and 100m² respectively. Again, this is considered reasonable given merit assessment of design and impact is being removed. Dual occupancy development is not currently highly prevalent in the east (because of current Torrens subdivision limitations) and will be introduced to this area under the State Low Rise Medium Density Code. It is also noted that there are more large (600m²+) lots available in the central-west area of Cumberland compared to the far west and east, and sufficient to ensure that there would continue to be ample opportunity for small

residential developers on the most suitably sized lots. This is also the most consistent with the standard for most comparable Sydney Councils.

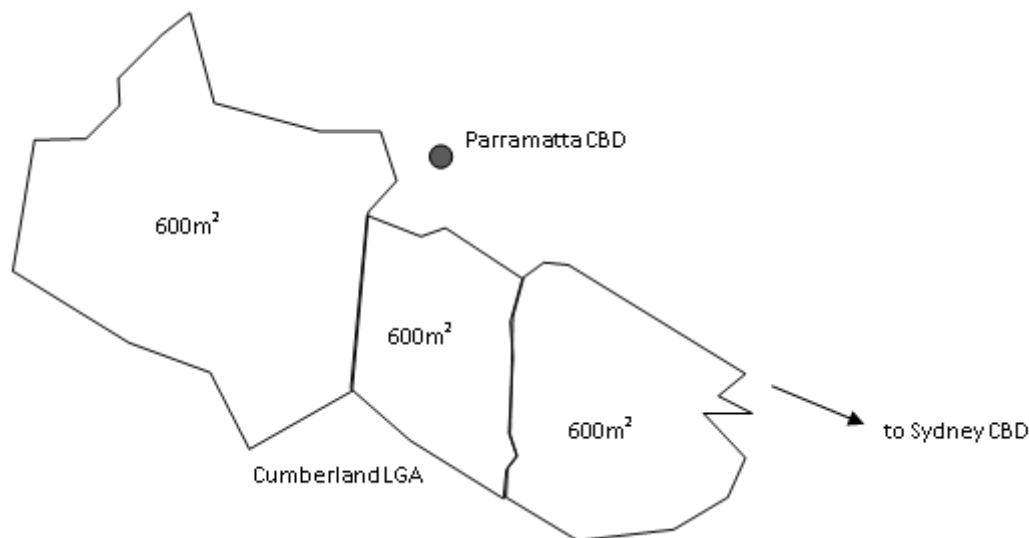


Figure 3. Scenario 3

Scenario Density Comparison

A comparison of each of the scenarios (including the 'do nothing' scenario where the Codes 400m² minimum would apply), the resulting number of eligible lots and projected dwellings densities in the R2 Low Density Residential zone over the medium and long term is provided below:

Scenario	Minimum lot areas	Eligible sites	Forecast R2 zone density	
			Medium Term	Longer Term
Do Nothing (Code Standard Applies)	400m ² (all - ALEP & HLEP) 600m ² (all - PLEP)	30,258 lots	>17 dw/ha	>25 dw/ha
Scenario 1	450m ² (R3 zone - HELP) 450m ² (attached - ALEP) 500m ² (R2 zone - HLEP) 600m ² (detached - ALEP) 600m ² (all - PLEP)	25,888 lots	>16 dw/ha	>25 dw/ha
Scenario 2	500m ² (attached - ALEP, HLEP) 600m ² (detached - ALEP, HLEP) 600m ² (all - PLEP)	24,268 lots	>16 dw/ha	>24 dw/ha
Scenario 3	600m ² (all - ALEP, HELP, PLEP)	13,747 lots	15 dw/ha	20 dw/ha

Note: In the table above, ALEP is the Auburn LEP area, HLEP is the Holroyd LEP area and PLEP is the Parramatta LEP area. Cumberland R2 zone is approx. 3,000 ha.

Over 25 dwellings per hectare is generally considered to be medium density, and this is reflected in statements in the State governments 'Medium Density Guide'. 15 dwellings per hectare is traditional suburban low density and R2 zones are currently around 14 dwellings per hectare.

Pemulwuy, a medium density residential suburb in a remote location away from major transport, has a density of 18 dwellings per hectare and will reach 22 dwellings per hectare on completion. It is car-dependent, so has a high level of car ownership and experiences street car parking issues. As it has developed over the past 15 years the additional pressure it has placed on road networks and car parking at stations has been visible. Scenarios 1 and 2 reach this density across Cumberland's R2 zone in the medium term and exceed it in the longer term.

Recommended Scenario

Whilst each of the three scenarios outlined have merit, this report recommends Council pursue Scenario 3 (that is increasing the minimum lot area to 600m² for dual occupancies in the R2 and R3 zone) for the following reasons:

- Increasing the minimum lot area for dual occupancy development (in comparison to the alternative 400m² minimum lot area in the Code) will allow for building forms, landscaped areas and vehicle access provision that is more compatible with the low density residential character and would better maintain a reasonable level of amenity for residents.
- The 600m² lot area would maintain a somewhat low density population density in largely car-dependent areas which have not been planned for medium density development, limiting the impact on existing road network, parking, stormwater and social infrastructure.
- This 600m² lot area would enable planting or retention of tree canopy on private land which is important to manage the urban heat island effect in central Sydney.
- The consistent application of a 600m² lot area across Cumberland would be simple and easy for the community to understand.

Once the deferral period ends, the Code will have an impact on the 'take-up' and form of development in the R2 and R3 zones. However the more cautious approach outlined in Scenario 3 seeks to manage this impact in low density residential zones as best as possible within the parameters set by DP&E, at least in the interim. The forthcoming preparations of Council's Housing Strategy and Council's Comprehensive LEP will enable further review of the minimum lot area provisions under which ever scenario Council elects to pursue.

COMMUNITY ENGAGEMENT

The proposed process involves a deviation from Council's normal practice of early consultation, however this is considered to be reasonable in the circumstances given the urgency of the matter. Formal community consultation would be undertaken

following gateway determination, in accordance with the conditions listed on the determination as per section 3.34(2) of the Environmental Planning and Assessment Act 1979. The community would be engaged by a letter mail out, notices in local newspapers, notices on Council website and information at customer service centres and libraries.

It is important to note that Council can reconsider the minimum lot area after consultation, and again as part of the wider residential housing strategy developed as part of the new Cumberland LEP. Delaying the planning proposal at this stage would result in the Codes 400m² minimum applying in all but the Parramatta LEP area.

POLICY IMPLICATIONS

There are significant policy implications for Council associated with this report, outlined for each of the scenarios. The report proposes amendments to three LEPs by introducing a minimum lot area requirement for the development of dual occupancies and by excluding lands from the Code.

RISK IMPLICATIONS

There are minor risk implications for Council associated with this report. The report recommends Council prepare a Planning Proposal to amend three LEPs and exclude certain lands from the Code. The Planning Proposal also seeks a deferral of the commencement of the Code within Cumberland until a Residential Housing Strategy and Cumberland comprehensive LEP is completed.

If the Code is applicable to Cumberland at its commencement day on 6 July 2018 without submitting the Planning Proposal to amend Cumberland's the LEPs and the associated map, the Code will permit complying development applications to be reviewed and approved by private certifiers for these types of developments in the R2 and R3 zones across Cumberland, rather than requiring a merit based assessment of a Development Application.

FINANCIAL IMPLICATIONS

There are minimal direct financial implications for Council associated with the work recommended by this report. There are financial implications relating to the efficient provision and maintenance of infrastructure associated with not proceeding with an LEP amendment to introduce a minimum lot size for dual occupancies.

CONCLUSION

Further to the report of 6 June 2018, this report provides Council with the Departments response to the request for an exemption to the Low Rise Medium Density Code and outlines three potential scenarios for amending the LEPs applying to the Cumberland LGA.

This report recommends Council pursue Scenario 3, which would which would introduce a consistent 600m² minimum lot area standard for dual occupancies across the low density residential zones of Cumberland LGA.

The forthcoming preparation of Council's Residential Housing Strategy as part of the preparation of the new comprehensive Cumberland LEP would enable density and lot size to be considered again in more detail, in the context of infrastructure provision, local character and amenity.

A Planning Proposal will be required to implement these recommended amendments. Whilst all of the scenarios would be effective, Scenario 3 is considered to best minimise the impacts of the mandatory Code at this stage, particularly in terms of amenity in the R2 Low Density Residential zone, as well as pressure on existing infrastructure.

ATTACHMENTS

1. DP&E Response to Council Request for Exemption to LRMDH Code
2. Codes SEPP Further Amendment - Deferred Application to Cumberland
3. Lot Size Map - Scenario 1, 2 and 3

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-136

Attachment 1

DP&E Response to Council
Request for Exemption to LRMDH
Code



Your ref: IRF18/3695

Mr Hamish McNulty
Acting General Manager
Cumberland Council
PO Box 42
MERRYLANDS NSW 2160

Attn: Mr Brendan Govers, Acting Deputy General Manager, Environment & Infrastructure

Dear Mr McNulty

I refer to our recent correspondence on the Low Rise Medium Density Housing Code (the Code).

Many councils are commencing with implementation of the Code on 6 July 2018.

Where councils have requested further time a deferral has been granted by the Minister. As such, I am writing to advise that in response to your request, the Code will be deferred in the Cumberland local government area until 1 July 2019.

For your council area this will mean that applicants will not be able to lodge a complying development application for dual occupancies, manor houses or terraces until 1 July 2019. Applicants will also not be able to lodge a development application for manor houses or terraces until 1 July 2019, unless your Local Environmental Plan already permits this form of housing.

We encourage you to remain engaged with your community about the housing requirements for your local area during this time. If you have questions about preparation of local housing strategies or planning proposals, please contact Ms Ann-Maree Carruthers, Director, Sydney Region, West, on 02 9274 6270.

The Department's website will be updated, and further information can be found at planning.nsw.gov.au/Policy-and-Legislation/Housing/Medium-Density-Housing.

Should you have any further questions in relation to the temporary deferral, I have arranged for Ms Lynne Sheridan, Director, Codes and Approval Pathways, to be available to assist. Ms Sheridan can be contacted on 02 9274 6423.

Yours sincerely



Deborah Brill
Acting Executive Director
Planning Policy

920 Pitt Street Sydney NSW 2000 Tel: 02 9274 6000 Fax: 02 9274 6000

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-136

Attachment 2

Codes SEPP Further Amendment
- Deferred Application to
Cumberland



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

Published LW 5 July 2018 (2018 No 370)

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018 [NSW]

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017

[1] Schedule 1 [2]

Insert after the definition of *Low Rise Medium Density Housing Code*:

manor house means a residential flat building containing 3 or 4 dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall or floor, and
- (b) at least 1 dwelling is partially or wholly located above another dwelling, and
- (c) the building contains no more than 2 storeys (excluding any basement).

[2] Schedule 1 [2]

Insert after the definition of *Medium Density Design Guide*:

multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.

[3] Schedule 1 [18], Part 3B, Division 7, heading

Omit the heading. Insert instead:

Division 7 Miscellaneous

[4] Schedule 1 [18], clause 3B.63

Insert after clause 3B.62:

3B.63 Deferred application of Part to land in certain local government areas

- (1) This Part (other than this clause) does not apply to or in respect of land in a deferred area.
- (2) For the purposes of this clause, land is in a *deferred area* if the land is in any of the following local government areas:

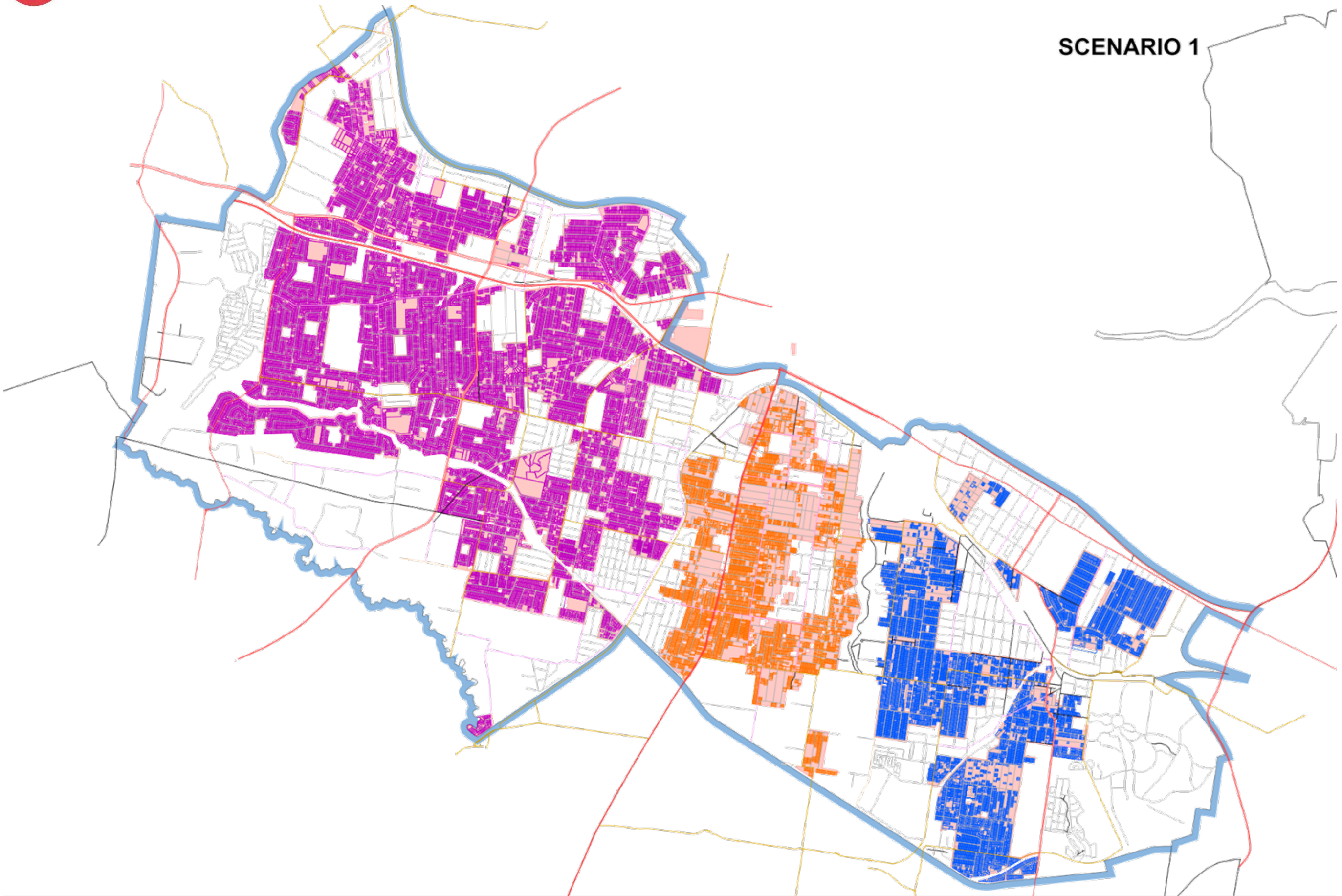
Armidale Regional, Ballina, Bayside, Bellingen, City of Blue Mountains, Burwood, Byron, Camden, City of Campbelltown, Canada Bay, Canterbury-Bankstown, Central Coast, City of Coffs Harbour, Cumberland, Georges River, City of Hawkesbury, Hilltops, Hornsby, Hunter's Hill, Inner West, Kiama, Lane Cove, Mid-Coast, Mid-Western Regional, Moree Plains, Mosman, Narromine, Northern Beaches, City of Parramatta, City of Randwick, City of Ryde, City of Shellharbour, City of Shoalhaven, Snowy Monaro Regional, Strathfield, Sutherland Shire, City of Sydney, Tamworth Regional, The Hills Shire, Tweed, Upper Lachlan Shire, City of Willoughby, Wingecarribee, Wollondilly, City of Wollongong, Woollahra, Yass Valley.
- (3) This clause ceases to have effect on 1 July 2019.

**DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-136**

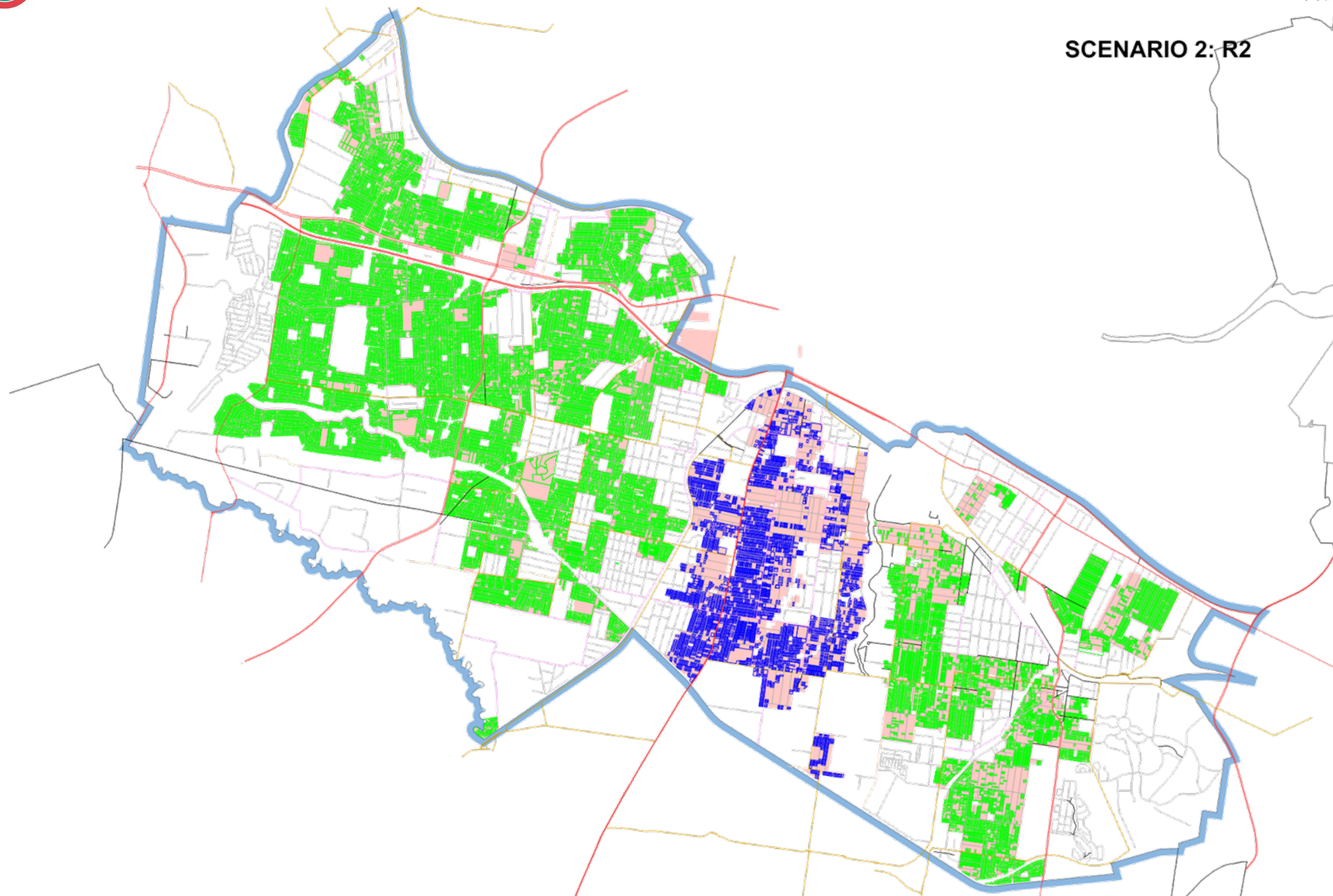
Attachment 3

**Lot Size Map - Scenario 1, 2 and
3**

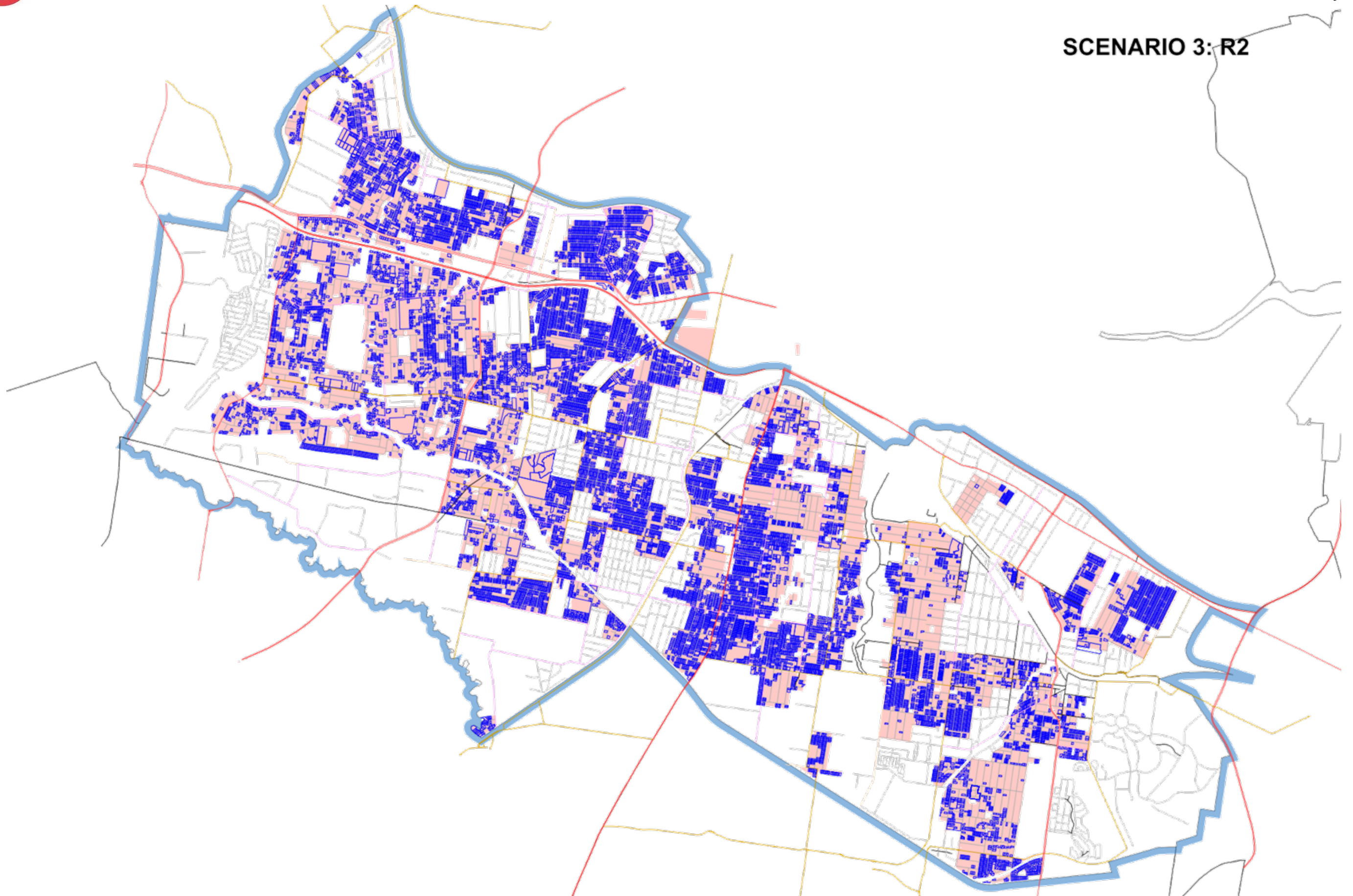
SCENARIO 1



SCENARIO 2: R2



SCENARIO 3: R2



**C07/18-135 Planning Proposal and Draft DCP Controls for
Woodville Road Neighbourhood Centre Precinct, corner of
Lansdowne Street, Merrylands**

This item was dealt with earlier in the meeting.

**Min.223 C07/18-136 Planning Proposal - Minimum Lot Area for Low-
Medium Density Dual Occupancy Housing****Motion (Attie/Zreika)**

That Council:

1. Prepare a Planning Proposal to amend the Auburn Local Environmental Plan 2010, Holroyd Local Environmental Plan 2013 and Parramatta Local Environmental Plan 2011 to introduce a minimum lot area for dual occupancy development within Cumberland LGA.
2. Nominate the minimum lot areas for the development of dual occupancies within Cumberland LGA as identified on figure 1 scenario 1 of this report.
3. Consult with the community and the Local Planning Panel on the Planning Proposal, following Gateway Determination by the Department of Planning and Environment.

Amendment (Elmore/Christou)

That Council:

1. Prepare a Planning Proposal to amend the Auburn Local Environmental Plan 2010, Holroyd Local Environmental Plan 2013 and Parramatta Local Environmental Plan 2011 to introduce a minimum lot area for dual occupancy development within Cumberland LGA.
2. Nominate 600m² as the minimum lot area for the development of dual occupancies within Cumberland LGA.
3. Consult with the community and the Local Planning Panel on the Planning Proposal, following Gateway Determination by the Department of Planning and Environment.

The Amendment moved by Councillor Elmore seconded by Councillor Christou on being Put to the meeting was declared CARRIED.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Amendment:

Campbell, Christou, Cummings,
Elmore, Hamed, Huang, Lake and
Saha.

Councillor(s) Against the Amendment: Attie, Garrard, Grove, Zaiter and Zreika.

The Amendment moved by Councillor Elmore seconded by Councillor Christou then became the motion.

The motion moved by Councillor Elmore seconded by Councillor Christou on being Put was declared **CARRIED to become the resolution of Council** (as shown in the amendment).

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Campbell, Christou, Cummings, Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Motion: Attie, Garrard, Grove, Zaiter and Zreika.

Councillor Hamed left the Meeting at 8:14pm and returned to the Meeting at 8:20pm during the consideration of this item.

C07/18-137 Hyland Road Reserve - Review of Appropriate Uses

This item was dealt with earlier in the meeting.

C07/18-138 Accelerated Cumberland Local Environmental Plan Funding Offer

This item was dealt with earlier in the meeting.

Min.224 C07/18-139 Response to Notice of Motion - Construction of Public Toilet Dellwood Street, South Granville

Resolved (Garrard/Zreika)

That Council:

1. Approve the construction of a public toilet within the reserve area at the western end of the Dellwood Street Shops; and
2. Amend the 2018/2019 Capital Works Program to include the construction of the public toilet and that funding be allocated from the Woodville Ward Reserve Fund.