



# Planning Proposal

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To Amend Wollondilly Local Environmental Plan 2011

## Dual Occupancy Minimum Lot Size

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To amend Wollondilly Local Environmental Plan 2011 to include a minimum lot size for the construction of a Dual Occupancy on R2 Low Density Residential, R3 Medium Density Residential and B4 Mixed Use zoned land.

July 2018

# Document Register

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# Introduction

This Planning Proposal details a proposed amendment to the *Wollondilly Local Environmental Plan 2011* (Wollondilly LEP) to provide stronger force to Council's existing minimum lot size requirements for the construction of dual occupancy developments by including them within the local environmental plan.

It seeks to do this by introducing minimum lot size requirements into Wollondilly Local Environmental Plan 2011 for the construction of a dual occupancy on land zoned R2 Low Density Residential, R3 Medium Density Residential and B4 Mixed Use.

At present clause 4.1A of the Wollondilly LEP specifies the minimum lot size for dual occupancies in residential zones. However, it only applies to the subdivision of dual occupancy developments after they are constructed and not the minimum lot size for their initial construction. The Wollondilly Development Control Plan 2016 establishes the minimum lot size for the construction of dual occupancy developments but these planning controls will be overruled by the introduction of the new Low Rise Medium Density Housing Code.

The Planning Proposal is required to minimise the impact associated with the introduction of the State Government's Low Rise Medium Density Housing Code in the State *Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP). In the absence of a minimum lot size requirement in Council's Local Environmental for the construction of a dual occupancy in the R2 and R3 zones in the Shire, the Code would enable dual occupancies to be undertaken as Complying Development on lots as small as 400 square metres.

The development standards in the Codes SEPP which enable a dual occupancy to be undertaken on lots as small as 400 square metres, unless a larger minimum lot size for the construction of a dual occupancy is prescribed by the Environmental Planning Instrument (i.e. the relevant Council's Local Environmental Plan) that applies to the land. Council's Local Environmental Plan does not prescribe a minimum lot size for the construction of a dual occupancy (the relevant control is contained within Council's DCP) and therefore the minimum lot size of 400 square metres under the SEPP would apply.

Council's investigations have determined that allowing dual occupancy development to be undertaken on lots as small as 400 square metres would have an undesirable planning outcome for the area, particularly due to insufficient infrastructure in the area to support such code based approvals on small lots.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning & Environment's *A Guide to Preparing Planning Proposals* (2016).

It is not anticipated that any specialist studies will be required to inform this proposal, particularly as it seeks to strengthen existing planning controls.

## Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend *Wollondilly Local Environmental Plan 2011* to strengthen Council's minimum lot size requirements for the construction of dual occupancy development on land in certain residential and business land use zones across the Shire.

The Planning Proposal also seeks to protect the character of Wollondilly's towns and villages.

## Part 2 – Explanation of Provisions

The proposed outcome will be achieved by amending Clause 4.1A of the Wollondilly LEP to introduce a development standard for the construction of a dual occupancy.

The amended clause will apply to land in an R2 Low Density Residential, R3 Medium Density Residential or B4 Mixed Use land use zone and will achieve the following:

- Retain the existing develop standard that applies to the subdivision of an existing dual occupancy,
- Establish the following minimum lot requirements for the construction of a dual occupancy:
  - a minimum lot size for the construction of an attached dual occupancy on certain land (i.e. 800sq.m),
  - a minimum lot size for the construction of a detached dual occupancy on certain land (i.e. 975sq.m),
  - a maximum lot size for the construction of a dual occupancy on certain land (i.e. 1,400sq.m),
  - the lot must meet both the minimum lot size for subdivision on the land as shown on the Lot Size Map and the minimum lot size requirements for a dual occupancy (for example an attached dual occupancy would not be permitted on land where the minimum lot size for subdivision on the Lot Size Map is less than 800sq.m even if the lot itself was larger than 800sq.m).

The minimum lot size requirements for dual occupancy (both attached and detached) as well as the maximum lot size are based on the current controls within the *Wollondilly Development Control Plan 2016*. In particular, it is noted that the maximum lot size requirement is intended to ensure land is subdivided efficiently by preventing dual occupancy development on a lot that could otherwise be subdivided.

The requirement to also meet the minimum lot size shown on the Lot Size Map is to provide certainty on planning outcomes by ensuring land is developed at the density intended by the Local Environmental Plan.

The proposed clause wording is still to be finalised.

# Part 3 – Justification

## Section A – Need for the planning proposal

### A 3.1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. The proposal is in response to the new Low Rise Medium Density Housing Code to form part of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* identifies certain types of development that can be undertaken as Complying Development on land across NSW. Complying Development under the Codes SEPP is able to be carried out via a fast tracked approval process provided that it meets a number of pre-determined development standards included in the SEPP.

In April 2018, the State Government announced that the Codes SEPP will be amended to include a Low Rise Medium Density Housing Code. The Medium Density Housing Code will allow Dual Occupancies, Manor Houses and Multi Dwelling (Terrace Housing) to be undertaken as Complying Development, provided that the development is permitted within the relevant zone under the Council's Local Environmental Plan.

The Code includes a number of standards which development must achieve in order to be carried out as Complying Development. One of the standards contained in the Code prescribes a minimum area that the existing lot must meet in order to construct a dual occupancy as Complying Development under the Code. This standard states that *the area of the lot on which the dual occupancy is undertaken must not be less than whichever is the greater of the following:*

- (a) 400 square metres;
- (b) The minimum lot area specified for dual occupancies in the environmental planning instrument that applies to the land concerned.

*Wollondilly Local Environmental Plan 2011* currently does not contain any development standards that prescribe a minimum lot size/area required for the construction of a dual occupancy, therefore, the Code would enable a dual occupancy to be carried out as Complying Development on lots as small as 400 square metres in the Wollondilly Local Government Area.

Council's LEP includes a clause (clause 4.1A) which prescribes a minimum size/area that a lot must achieve in order to subdivide an existing dual occupancy. This clause states that an existing dual occupancy may only be subdivided if the existing lot is no less than 800 square metres (in the case of an attached dual occupancy) or 975 square metres (in the case of a detached dual occupancy). However, this clause only relates to the subdivision of an existing dual occupancy and does not affect the construction of a new dual occupancy.

Council's Development Control Plan requires the area of a lot to achieve the following minimum sizes in order to construct a dual occupancy on residential zoned land:

- a) 800 square metres - in the case of an attached dual occupancy; or
- b) 975 square metres - in the case of a detached dual occupancy.

However, this requirement in Council's Development Control Plan will not carry any statutory weight once the Code commences. A Council's Development Control Plan is also not a consideration in the assessment of any application for a Complying Development Certificate under the Code. The lot sizes referenced above have existed in Council's Development Control Plan for some time. Historically, Council has imposed the minimum lot size required for the construction of a dual occupancy under the Development Control Plan, with only minor variations in some instances.

Council is of the view that enabling dual occupancy development to be undertaken on lots as small as 400 square metres would have a detrimental impact on the local area, particularly when allowed to be undertaken as

Complying Development. It has been determined that if the Code were to allow dual occupancies to be constructed on lots as small as 400 square metres, an additional 2,368 dwellings could be constructed under the Code than would otherwise be allowed under Council's current planning controls. These additional dwellings would be enabled by the Code with no consideration given to the additional infrastructure requirements that would be generated from this growth.

Council's concerns with enabling dual occupancy development to be undertaken on lots as small as 400 square metres and the additional dwellings that would be enabled by the Code when compared to Council's current planning are outlined below:

#### Impact on established Character of the local area

For a long period, Council's planning controls have required that a dual occupancy may only be carried out in residential zones if that lot is no less than 800 square metres (in the case of an attached dual occupancy) or 975 square metres (in the case of a detached dual occupancy). This lot area requirement pre-dates Council's current Local Environmental Plan which commenced on 23 February, 2011.

Allowing a dual occupancy to be constructed on a lot as small as 400 square metres on a large portion of R2 and R3 zoned land across the Shire would impact on the established local area character of the towns and villages in the Shire. Such code based approvals would also be contrary to the principles in the Western City District Plan of creating great places and retaining the existing character of unique rural villages.

#### Infrastructure deficiencies

There are a number of residential zoned areas in the Shire where existing infrastructure is poor and not capable of supporting additional medium density housing on a Code based approvals basis. Unlike an approval which is issued through the development application/consent process, Council has no ability to impose consent conditions on a Complying Development approval requiring infrastructure improvements such as kerb and gutter construction and other public infrastructure and civil works.

The uplift in the number of dwellings that would be enabled by the Code, combined with the inability of Council's to impose site specific and merit based infrastructure improvements as part of any consent conditions, would have implications for Council's Development Contributions Plan and Works Programs, as it would result in an increased infrastructure burden in local areas and would mean that any infrastructure improvements required would need to be provided by Council rather than the developer undertaking the development.

#### Limited sewer capacity of certain towns and villages in the Shire;

Sydney Water's reticulated sewer network has limited capacity to service additional growth in several of the towns and villages in Wollondilly. In particular, the towns of Oakdale, The Oaks and Bargo. Sewer capacity would not be a consideration under a Code based approvals process and the potential uptake of development under the new Code is likely to impact on the sewer capacity of existing towns and villages.

#### The absence of a reticulated sewer service in certain towns;

There are towns within the Wollondilly Local Government Area which do not have reticulated sewer services available (such as the town of Yanderra) and are required to rely upon on-site wastewater disposal systems for effluent disposal. The Code does not exclude a dual occupancy from being able to be undertaken as Complying Development under the Code on unsewered land. Council considers that a lot size of 400 square metres would be too small to accommodate a dual occupancy as it is unlikely that a suitable area for an on-site wastewater treatment system could be provided.

#### Potential impact on the dwelling Cap at the Bingara Gorge Urban Release Area at Wilton

The Bingara Gorge Estate at Wilton currently has a cap of 1,800 lots. Bingara Gorge is zoned predominantly R2 Low Density Residential with a mix of lot sizes. The Code also enables the subdivision of a dual occupancy onto individual titles to be undertaken as Complying Development once constructed.

The maximum lot yields within each precinct and the overall release area are included in Council's DCP. The DCP would not be a consideration for approvals issued under the Code and therefore without the checks and balances of the development application process there is a risk that the dwelling cap for the site would be exceeded. Enabling dual occupancies on lots as low as 400 square metres provides a potential uplift in the dwelling capacity of the release area which was not considered when previous masterplanning for the site took place and the dwelling cap for the site was established.

### Summary

Although the addition of a clause in WLEP 2011 in the manner prescribed above would not prevent a dual occupancy being carried out under a Code based approval, it would ensure that a dual occupancy could only be undertaken as a Code based approval if the lot was 800 square metres (in the case of an attached dual occupancy) or 975 square metres (in the case of a detached dual occupancy). This would ensure that the minimum lot size where a dual occupancy could be carried out under the Code would align with Council's current planning controls, better retain the character of the area, and avoid a substantial uplift in dwellings from that currently allowed under Council's existing Planning controls.

The Code commenced in NSW on 6 July, 2018, however, the Code will not take effect in Wollondilly until 1 July, 2018. This is in response to a request made by Council to the Minister for Planning for a suspension from the commencement of the Code to enable the preparation of this Planning Proposal, and to also undertake other planning work (for example updates to Council's Contributions Plans) in order to minimise the impact of the commencement of the Code.

### **A 3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The proposal involves an amendment to Wollondilly Council's Local Environmental Plan and therefore a Planning Proposal is the best means of achieving and objectives and outcomes of the amendment.

Wollondilly Council has been granted a moratorium for the commencement of the Code, that is the Code will not commence in the Wollondilly Local Government Area until 1 July, 2019. This moratorium is in response to a request made by Council to the Minister for Planning to enable Council to complete the Planning Proposal and also complete other work to minimise the impact of the Code in the local area.

## **Section B – Relationship to strategic planning framework**

### **B 3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

#### Western City District Plan

The proposal is consistent with the requirements of the Western City District Plan. The proposal is consistent with the principles within the District Plan of promoting greater places and the requirement under Planning Priority W6 to ensure that the character of local towns is retained.

### **B 3.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

The two key local strategies are:

- Wollondilly Community Strategic Plan
- Wollondilly Growth Management Strategy 2011

#### **Wollondilly Community Strategic Plan**



The Wollondilly Community Strategic Plan 2033 (WCSP), adopted by Council on 17 June 2013, is the Council's highest level long term plan and sets out the long term strategic planning aspirations of the community for Wollondilly over a 20 year period up to 2033.

It is based on a vision of rural living for Wollondilly Shire and is focussed around five themes:

- Looking after the Community
- Accountable and Transparent Governance
- Caring for the Environment
- Building a strong local Economy
- Management and provision of Infrastructure

Each theme is supported by identified outcomes and strategies which express in broad terms what is to be achieved and how. These themes are, in part, delivered through a number of key supporting strategies, plans and policies which have been prepared by the Council, such as WLEP, 2011 and the Wollondilly Growth Management Strategy.

The following WCSP strategies are relevant to the Planning Proposal as described below.

### **Strategy EN2 – Growth Management**

*Apply best practice environmental principles to the management of future growth.*

Comment: The Planning Proposal is necessary to manage growth in the area and ensure that dual occupancy dwellings are allowed only on appropriately sized lots in residential zones.

### **Strategy EC4 – Managing Development and Land Use**

*Manage and regulate land use and development in order to achieve a high quality built environment which contributes to economic well-being.*

Comment: The Planning Proposal would ensure that any dual occupancies undertaken under the Low Rise Medium Density Code are only able to be undertaken as Complying Development on lots that are of a size consistent with the minimum lot size provisions in Council's DCP, which would ensure that a quality built environment within the existing towns and villages is retained.

### **Strategy IN2 – Manage Road Network**

*Manage the road network to respond to community needs, growth in the Shire, improving road safety and improving transport choices.*

Comment: The Planning Proposal would limit the number of additional dwellings from the Low Rise Medium Density Code in response to infrastructure issues in the area.

### **Wollondilly Growth Management Strategy 2011**

The Growth Management Strategy (GMS) was adopted by Council on 21 February 2011. It contains Key Policy Directions and Assessment Guidelines for the evaluation of planning proposals and Council decisions on growth. The subject Planning Proposal is simply to correct a mapping error and does not impact on growth decisions.

Notwithstanding this, all Planning Proposals within Wollondilly must be assessed against the key policy directions within the GMS. Appendix A sets out the GMS Key Policy Directions and Assessment Criteria as they relate to this proposal.

## **B 3.5 Is the planning proposal consistent with applicable state environmental planning policies?**

The Planning proposal is consistent with all of the relevant State Environmental Planning Policies.

**B 3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

**Ministerial Direction 3.1 Residential Zones**

This Ministerial Direction requires that a planning proposal to which this direction applies must include provisions that encourage the provision of housing that will:

*(a) broaden the choice of building types and locations available in the housing market, and*

Comment: The proposal is consistent with this requirement.

*(b) make more efficient use of existing infrastructure and services, and*

Comment: The proposal will result in the inclusion of a clause in Council's LEP which prescribes a minimum lot size for the construction of a dual occupancy in residential zones. The clause will reflect the existing controls in Council's Development Control Plan. Without the LEP amendment the Low Rise Medium Density Code would enable dual occupancies to be constructed as Complying Development on a much lower lot size of 400 square metres which would in turn result in an increase of 2,368 dwellings than when compared to the minimum lot size to construct a dual occupancy in Council's Planning Controls (see Appendix B).

The increased number of dwellings that would result in many of the towns in the Shire could not rely on existing infrastructure and services as this is deficient in many areas of the Shire (particularly lack of kerb and gutter, drainage, street lighting and limited sewer servicing capacity). Several towns and villages in the Shire have inadequate infrastructure to cope with such increased growth and the application of the current lot sizes in Council's Planning Controls (which would be the result of this Planning Proposal) is considered more appropriate. The Planning Proposal is therefore consistent with this clause in the Ministerial Direction.

*(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*

Comment: The proposal would effectively be a continuation of Council's current Planning controls and would impact on demand or consumption of land for housing.

*(d) be of good design.*

Comment: N/A

**Section C – Environmental, social and economic impact**

**C 3.7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The proposal would not have any adverse impacts on threatened species, populations or ecological communities.

**C 3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are unlikely to be any other environmental effects as a result of the Planning Proposal.

**C 3.9 Has the planning proposal adequately addressed any social and economic effects?**

No adverse economic or social impact is anticipated.

**Section D – State and Commonwealth interests**

**D3.10. Is there adequate public infrastructure for the planning proposal?**

It is considered that there is adequate public infrastructure for the proposal. The proposal will include a development standard in the LEP prescribing lot size requirements for the construction of dual occupancies in residential zones. The standard will be the same as that which is currently in Council's DCP for the construction of dual occupancies and has been applied by Council for some period of time.

If the Planning Proposal is not completed then the Code will enable dual occupancies to be undertaken on lots as low as 400 square metres. If this is the case, the Code could enable up to 2,368 additional dwellings in the Shire and Council is of the view that there is not adequate public infrastructure for this uptake of additional dwellings via a Code based approval, particularly in terms of lack of kerb and gutter and drainage infrastructure in some areas and limited sewer capacity in some towns.

**D3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

It is considered that no consultation requirements with state or commonwealth authorities would be required as part of the proposal.

# Part 4 – Mapping

No amendments to any of the maps within WLEP 2011 are proposed as part of the Planning Proposal.

## Part 5 – Community Consultation

In accordance with the Department of Planning and Environment's *Guide to Preparing Planning Proposals* the Planning Proposal will be exhibited for a period of 28 days. It is expected that this could be undertaken following the receipt of a Gateway Determination for the Proposal.

## Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Consideration of Planning Proposal and issue of Gateway Determination by Department of Planning	1 month	August, 2018
Commencement and completion dates for public exhibition period – after amending the planning proposal if required, preparation of maps and special DCP provisions	6 weeks	October, 2018
Timeframe for consideration of submissions	2 weeks	Mid November, 2018
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	3 months	February, 2018
Anticipated date RPA will forward to PC and Department of Planning for finalisation	1 month	March, 2018
Finalisation	1 Month	April, 2018

# Appendices

## **A. Assessment against Wollondilly GMS**

Table indicating compliance with relevant Key Policy Directions within Wollondilly Growth Management Strategy (GMS) 2011

## **B. Dwelling Number Comparisons**

Comparison of number of additional dual occupancy dwellings that could be constructed under the Low Rise Medium Density Housing Code compared to Council's current planning controls

# Appendix A

## Assessment against Wollondilly GMS

Wollondilly Growth Management Strategy (GMS) was adopted by Council in February 2011 and sets directions for accommodating growth in the Shire for the next 25 years. All planning proposals which are submitted to/initiated by Council are required to be assessed against the Key Policy Directions within the GMS to determine whether they should or should not proceed.

The following table sets out the planning proposal's compliance with relevant Key Policy Directions within the GMS:

Key Policy Direction	Comment
<b>General Policies</b>	
<p><b>P1</b> All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.</p>	<p>The Planning Proposal is consistent with the key policy directions and assessment criteria within the GMS.</p>
<p><b>P2</b> All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).</p>	<p>The Planning Proposal is consistent with the concept of rural living.</p>
<p><b>P3</b> All Council decisions on land use proposals shall consider the outcomes of community engagement.</p>	<p>Community engagement will be carried out following the issue of a Gateway Determination for the Planning Proposal and the outcomes of this consultation will inform the final outcome of the proposal.</p>
<p><b>P4</b> The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>	<p>The personal financial circumstances of individual landowners have not been given consideration through the preliminary assessment of this Planning Proposal.</p>
<p><b>P5</b> Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)</p>	<p>The Planning Proposal would enable appropriate growth in each of the villages in the Shire. If the Planning Proposal were not to proceed, the Medium Density Housing Code would enable dual occupancy development to be undertaken on lots as small as 400 square metres which would result in an inappropriate level of growth for many of the towns and villages in the Shire. The figures in Appendix B show the increase in the number of dwellings in various towns in the Shire that could result from the Code compared to Council's current Planning controls.</p> <p>This increase could occur in several areas of the Shire where infrastructure is deficient, including a lack of kerb and gutter, poor drainage infrastructure inadequate street lighting etc. The Code would also enable dual occupancy dwellings to be constructed in these areas as Complying Development would remove any ability of Council to impose any infrastructure upgrade requirements as a condition on any development consent.</p>
<b>Housing Policies</b>	
<p><b>P6</b> Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</p>	<p>The Planning Proposal would ensure that the current lot size controls for a dual occupancy in the residential zones contained in Council's DCP are provided within the LEP. These would reflect Council's existing controls and therefore is not expected to impact on any of Council's growth forecast for the area.</p> <p>If the LEP is not amended to include this as a development standard then the Low Rise Medium Density Code would potentially enable up to 2,368 additional dwellings within the residential zones in the Shire by enabling dual occupancies to be undertaken on lots as small as 400 square metres. This increase in dwelling numbers has not been</p>



Key Policy Direction	Comment
	factored into any of Council's current growth forecasts and would lead to an undesirable level of growth in the area.
<p><b>P8</b> Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.</p>	The Planning Proposal would enable a mix and diversity of housing in the Shire.
<p><b>P9</b> Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").</p>	The Planning Proposal would be consistent with this direction and would prevent inappropriate densities within the towns and villages in the Shire being enabled by the Low Rise Medium Density Housing Code.
<p><b>P10</b> Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</p>	N/A
<b>Macarthur South Policies</b>	
<p><b>P11</b> Council does not support major urban release within the Macarthur South area at this stage.</p>	N/A.
<p><b>P12</b> Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.</p>	N/A.
<p><b>P13</b> Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.</p>	N/A.
<p><b>P14</b> Council will consider proposals for employment land developments in Macarthur South provided they:</p> <ul style="list-style-type: none"> <li>▪ Are environmentally acceptable;</li> <li>▪ Can provide significant local and/or subregional employment benefits;</li> <li>▪ Do not potentially compromise the future orderly master planning of the Macarthur South area;</li> <li>▪ Provide for the timely delivery of necessary infrastructure;</li> <li>▪ Are especially suited to the particular attributes of the Macarthur South area AND can be demonstrated as being unsuitable or unable to be located in alternative locations closer to established urban areas;</li> <li>▪ Do not depend on the approval of any substantial new housing development proposal in order to proceed (Employment land proposals which necessitate some limited ancillary or incidental housing may be considered on their merits).</li> </ul>	N/A.

#### Employment Policies

Key Policy Direction	Comment
<p><b>P15</b> Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</p>	N/A
<p><b>P16</b> Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.</p>	N/A
Integrating Growth and Infrastructure	
<p><b>P17</b> Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</p>	<p>The proposal would not allow any increased residential or employment lands in the Shire.</p> <p>The Planning Proposal would ensure that the new Low Rise Medium Density Code would not enable dual occupancy dwellings to be undertaken on lots as low as 400 square metres and would need to meet the current lot size standards in Council's planning controls.</p> <p>Appendix B shows the potential uplift in dwellings from the Code when compared to Council's existing Planning controls by enabling dual occupancies on 400 square metre lots. There is inadequate infrastructure in many of the towns and villages to support such growth. As the Code would enable the increased dwellings as Complying Development, the increased infrastructure required as part of this growth would not be delivered as part of the future developments.</p> <p>It has also not been demonstrated that the increased number of dwellings that could be enabled by the Code could be adequately serviced as several of the Shires towns have limited sewer servicing capacity.</p>
<p><b>P18</b> Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.</p>	Without the proposal, the Code would enable dual occupancies to be carried out on lots as small as 400 square metres.
<p><b>P19</b> Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</p>	N/A
<p><b>P20</b> The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</p>	N/A
Rural and Resource Lands	
<p><b>P21</b> Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</p>	The Planning Proposal which would enable the current controls within Council's Development Control Plan which prescribes a minimum lot size for dual occupancies to be replicated in the LEP and continue to apply to the area. This would enable the character of the Shire's towns and villages to be retained.
<p><b>P22</b> Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas.</p>	N/A

Key Policy Direction	Comment
Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	

# Appendix B

## Dwelling Number Comparisons

The table below provides a Comparison of number of additional dual occupancy dwellings that could be constructed under the Low Rise Medium Density Housing Code compared to Council's current planning controls:

Town/Village	Number of lots (greater than 400sqm) eligible for Complying Development under the new Low Rise Medium Density Housing Code	Number of lots (greater than 800sqm) eligible for Complying Development under the Low Rise Medium Density Housing Code	Additional Dwellings enabled by the Code
Appin	769	439	330
Bargo	630	601	29
Buxton	457	132	325
Camden Park	589	197	392
Douglas park	115	114	1
Mount Hunter	58	57	1
Picton	774	528	246
Silverdale	500	481	19
Tahmoor	1,156	886	270
The Oaks	369	342	27
Thirlmere	581	497	84
Warragamba	486	58	428
Wilton	712	506	206
Yanderra	192	182	10
<b>Total</b>	<b>7,388</b>	<b>5,020</b>	<b>2,368</b>

Under the current planning controls (being Council's LEP and DCP), a Dual Occupancy development can be carried out on a lot greater than 800 square metres with consent. Column 2 shows there are 5020 lots zoned R2 where Dual Occupancy development can be carried out with a development application and now, as Complying Development.

An estimated 7,388 lots would now be eligible to undertake a dual occupancy development under the New Code as Complying Development. The lower minimum lot size of 400 square metres under this Code means that an additional 2,368 additional lots could be carried out.

# Appendix C

## Council's Report and Minutes from 18 June 2018

*Extract from Agenda containing the Report to Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 18 June 2018*

*Our Reference: TRIM 10618 #3 and #56*