

PLANNING PROPOSAL

Proposed amendment to Kyogle Local Environmental Plan 2012

Amendment No. 9 – Groom Street medium density housing precinct

24 November 2016



Introduction

Overview

This Planning Proposal explains the intended effect and justification for the proposed amendment to the *Kyogle Local Environmental Plan 2012* (KLEP) – i.e. referred to as the LEP Amendment. The amendment has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning and Environment guidelines including *A guide to preparing planning proposals, 2012* (the Guideline).

The Council at its Ordinary Meeting of 8 February 2016 resolved to prepare an amendment to the KLEP to remove the minimum lot size in an area of Kyogle surrounding Groom Street on the eastern side of the Kyogle Central Business Area. The area that is the subject of this Planning Proposal presently has a minimum lot size of 1,500 m².

The proposed LEP Amendment is intended to encourage the development of medium density housing on smaller lots as a way to address an apparent shortfall of housing diversity – notably smaller dwellings and dwellings suitable for older persons or persons with a disability. The current 1,500m² minimum lot size area is seen as unreasonably large for such an inner urban location and is considered to be restricting the development of medium density housing on smaller lots. A report prepared by Cartwright Consulting for Kyogle Council in 2015 revealed that Kyogle has a shortage of smaller dwellings that are suitable for older persons and persons with a disability. Kyogle Council is aware that the proportion of smaller dwellings in the Kyogle Local Government Area (LGA) is relatively low and that scope exists to potentially provide for greater housing diversity and density as well as exemplar development through revised and more facilitating land use provisions in strategic locations, such as the area that is the subject of this Planning Proposal.

The Groom Street precinct is seen as a suitable location to encourage the development of smaller dwellings as it is within walking distance of services and facilities in the central business area and has sufficient available infrastructure capacity. The area is currently predominantly occupied by single detached dwellings on larger residential lots (predominantly 800-1200m² in area).

The proposed LEP amendment has been the subject of a report to the Council's Ordinary Meeting of 8 February 2016 which addressed, in detail, the circumstances and benefits of the proposed amendment. Council resolved to support the planning proposal and forward it to the Department of Planning for Gateway Determination. A copy of the Council resolution is attached to this Planning Proposal (Attachment A). There are no other supplementary reports that are relied on for this Planning Proposal which has been prepared in support of a requested Gateway Determination to proceed with the proposed LEP Amendment under Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Preparation of Planning Proposal

The subject Planning Proposal has been prepared by the Kyogle Council and is based on the report to Council, prepared by Council officers, at its Ordinary Meeting of 8 February 2016, the Council's deliberation of the report and its unanimous Resolution to proceed with the proposed LEP Amendment (see Attachment A). The Planning Proposal is consistent with the NSW State Government policy intent for greater housing diversity and increased density options, notably for urban areas. This includes the objectives and guidelines included in its:

- Draft Medium Density Design Guide
- NSW Housing Code

The proposed LEP Amendment, if it is to proceed, will be the 9th amendment undertaken by Kyogle Council to its KLEP.

Site Identification

The proposed LEP Amendment will apply to land in the Kyogle urban area centred on Groom Street and located to the east of the Summerland Way and central business area. The subject land is shown in Figure 1 below.

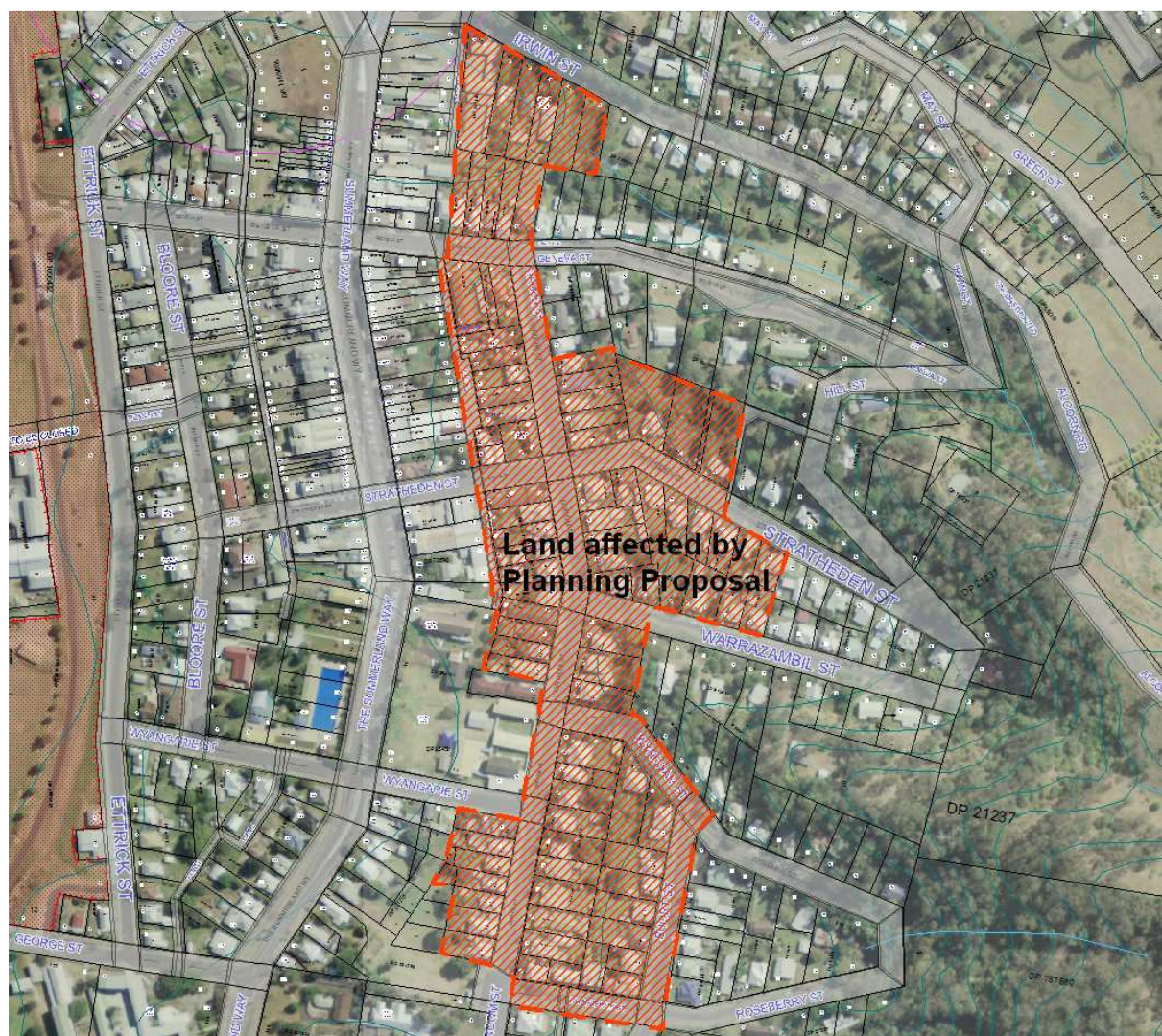


Figure 1 Land affected by Planning Proposal

Existing Planning Controls

The KLEP commenced on 11 February 2012 and is in the format of the NSW Standard Instrument for LEPs. Existing planning controls that are to be affected by the proposed LEP Amendment are summarised in Table 1 below. There are no other provisions affected and no other new provisions proposed as part of the proposed LEP Amendment.

Table 1 Existing Planning Controls

Section of KLEP	Comment
Lot Size Map – Sheet LSZ_004C	The existing minimum lot size of the land that is affected by this planning proposal is 1,500m ² .

Part 1 – Objectives and Intended Outcomes

Objectives

The objectives of the proposed amendment are to:

- 1) Change the existing 1,500m² minimum lot size to no minimum lot size.
- 2) Allow for the subdivision of existing lots into smaller lots suitable for medium density housing in the form of smaller dwellings on their own lot.
- 3) Ensure that development of smaller lots (and future dwellings on those lots) does not have adverse impacts on streetscape or residential amenity of existing dwellings.

Intended Outcomes

The intended outcomes of the proposed amendment are:

1. Increased supply of smaller dwellings that are adaptable and offer good residential amenity.
2. Improved housing diversity and options for older persons and persons with a disability that are in close proximity to services and facilities.
3. Allow for more efficient use of existing infrastructure.
4. Allow for increased residential density on land in close proximity to services and facilities.

Part 2 – Explanation of Provisions

It is proposed to alter the minimum lot size of the land in the subject area from 1,500m² to no minimum lot size. The proposed amendments to KLEP are summarised in

Table 2 below.

Table 2 Summarised Amendments to Kyogle Local Environmental Plan 2012

Section of KLEP	Proposed Amendment
Maps Lot Size Map – Sheet LSZ_004C	Remove minimum lot size reference to the subject land.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

Yes: the Planning Proposal is a result of a report prepared by Cartwright Consulting Pty Ltd in 2015 as part of Council's preparation of its *Community Strategic Plan 2016-2026*. The report examined issues faced by older persons and persons with a disability in the Kyogle Council Local Government Area (LGA). One of the findings of the report was that the Kyogle Council LGA has a limited supply of smaller dwellings, including dwellings suitable for older persons and persons with a disability. In response to the findings of the Cartwright report, and subsequent deliberations by Council and its Strategic Plan Focus Group, the Kyogle Community Strategic Plan 2016-2026 (KCSP 2016-2026) includes the following Actions:

- *Continue to use and implement the NSW Affordable Housing Guidelines as a basis for a local affordable housing strategy including for transitional housing arrangements for older people and people with disability service needs*
- *Review the Kyogle Local Environmental Plan 2012 and Development Control Plan requirements to ensure that practicable facilitation of accommodation and services is enabled, including within outlying village areas and their surrounds*
- *Investigate options for short and long term incentives to facilitate accelerated development of accommodation for older people and people with disability needs in the Kyogle Council area.*

The planning proposal is intended to enable the creation of lots less than 500m² that will then be available for the development of medium density dwellings (such as semi-detached dwellings and attached dwellings) which are currently permitted in the land use Zone that applies to the land, R1 General Residential. It is Council's intention to amend the Kyogle Development Control Plan 2014 (KDCP) to include development guidelines relevant to the assessment of applications for subdivision of land in the subject area, and the subsequent development of smaller dwellings on those lots. These guidelines will include provisions relating to:

- Design and siting of buildings and structures.
- Protection of amenity of surrounding properties.
- Creation of good residential amenity.
- Creation of liveable and adaptable dwellings suitable for older persons and persons with a disability.
- Achieving suitable access arrangements.
- Achieving suitable servicing and infrastructure.

In preparing the KDCP guidelines, Council has reviewed the State Government's *Draft Medium Density Design Guide* (the Guide), particularly in relation to the guidelines for *semi-detached dwellings* and *attached dwellings*. Council considers that the draft KDCP provisions are very closely aligned with the provisions of the Guide. It is noted that the Guide recommends that Council adopt the development provisions of the Guide. This planning proposal and its associated development control plan provisions are consistent with the intent and content of the *Draft Medium Density Design Guide*. The proposed KDCP provisions are shown at Attachment B.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intention of the planning proposal is to facilitate the creation of small lots and the subsequent development of medium density housing. Given the current minimum lot size applying to the land 1,500m² an LEP amendment is the only way by which the current situation can be changed.

3. Is there a net community benefit?

The Planning Proposal is expected to result in the following community benefits:

- More efficient use of land and infrastructure
- Greater potential choice in housing style and suitability
- Delivery of smaller dwellings which will address the current deficiency

- Increased residential density on land that is in very close proximity to services and facilities of Kyogle central business area.
- Delivery of housing that is appropriate for older persons and persons with a disability meaning, hopefully, these persons can remain in the Kyogle Council LGA.

Consequently, it is considered that this Planning Proposal will have a net community benefit.

Section B – Relationship to the strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The region is affected by the provisions of the *Far North Coast Regional Strategy* (FNCRS). The FNCRS identifies the region as a region of villages. The vision of the Strategy is:

A healthy, prosperous and sustainable future for the diverse communities of the Far North Coast Region.

The Planning Proposal builds on the local area's strengths including its rich rural diversity, low-intensity development character and abundant scenic attraction by encouraging additional and broadened compatible rural tourist accommodation. The scale and type of development that is addressed in the Planning Proposal is consistent with the key vision themes of the Strategy being:

Healthy and prosperous – the Planning Proposal will contribute to a healthy and prosperous community by encouraging the development of adaptable dwellings of a smaller size that are suitable for the ageing population and smaller household sizes.

Sustainable future – the Planning Proposal will contribute to a sustainable future by encouraging the development of adaptable dwellings of a smaller size that are suitable for the ageing population and smaller household sizes. The Planning Proposal applies to land in an existing urban area that is in close proximity to existing services and facilities and is therefore considered to be a sustainable way to deliver additional housing supply.

Diverse communities – the Planning Proposal addresses the diverse community by encouraging the development of smaller dwelling to address an existing shortfall.

The Planning Proposal is consistent with the intent and vision of the FNCRS.

The NSW State Government has prepared the Draft *North Coast Regional Plan* (NCRP), which is planned to supersede the FNCRS. The NCRP was publicly exhibited during 2016. This Planning Proposal is consistent with Goal 3 of the NCRP which is '*Housing choice, with homes that meet the needs of changing communities*'. The Planning Proposal is consistent with Direction 3.2 of the NCRP which is to '*Deliver housing choice to suit changing needs.*'

5. Is the Planning Proposal consistent with the Council's Community Strategic Plan, or other local strategic plan?

Kyogle Community Strategic Plan 2016-2026

The Planning Proposal is consistent with the vision of the KCSP 2016-2026 (KCSP) which is:

Working together to balance Environment, Lifestyle and Opportunity

Key issues and challenges that were identified in the KCSP include a large infrastructure backlog, an ageing population, limited employment opportunities and the challenge of maintaining a satisfactory level of services and infrastructure necessary to sustain and support the various communities of the local government area.

In response to these challenges the KCSP identifies a number of priority actions, including:

- *Continue to use and implement the NSW Affordable Housing Guidelines as a basis for a local affordable housing strategy including for transitional housing arrangements for older people and people with disability service needs*

- *Review the Kyogle Local Environmental Plan 2012 and Development Control Plan requirements to ensure that practicable facilitation of accommodation and services is enabled, including within outlying village areas and their surrounds*
- *Investigate options for short and long term incentives to facilitate accelerated development of accommodation for older people and people with disability needs in the Kyogle Council area.*

This Planning Proposal will provide a significant opportunity for development of smaller dwellings that will address an existing shortfall of appropriate dwelling types, including for older persons and persons with a disability. The Planning Proposal is therefore consistent with the Actions in the KCSP.

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of the consistency of the Planning Proposal with relevant State Environmental Planning Policies is summarised below in Table 3.

Table 3 Summary of Planning Proposal Consistency with SEPPs

SEPP Title	Planning Proposal Consistency
State Environmental Planning Policy (State and Regional Development) 2011	The Planning Proposal does not affect the ongoing operation of the SEPP on any referred to land or development.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable to Planning Proposal.
State Environmental Planning Policy (Urban Renewal) 2010	Not applicable to Planning Proposal.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable to Planning Proposal.
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable to Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal does not affect the ongoing operation of the SEPP on any referred to land or development.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable to Planning Proposal.
State Environmental Planning Policy (Rural Lands) 2008	Not applicable to Planning Proposal.
State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable to Planning Proposal.
State Environmental Planning Policy (Infrastructure) 2007	The Planning Proposal does not affect the ongoing operation of the SEPP on any referred to land or development.
State Environmental Planning Policy (Temporary Structures) 2007	The SEPP provisions applying to temporary structures are not affected by the Planning Proposal.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable to Planning Proposal.

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 9 Groom Street medium density housing precinct

SEPP Title	Planning Proposal Consistency
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable to Planning Proposal.
State Environmental Planning Policy (Major Development) 2005	Not applicable to Planning Proposal.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Any new dwellings will still need to comply with BASIX requirements as part of the development approval process.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Consistent. The aims of the SEPP are to encourage the provision of housing that will: a) Increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and b) Make efficient use of existing infrastructure, and c) Be of good design. The Planning Proposal is consistent with the aim.
State Environmental Planning Policy No. 71 - Coastal Protection	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development	Not applicable to Planning Proposal.
State Environmental Planning Policy 70 - Affordable Housing (Revised Schemes)	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 64 - Advertising and Signage	The SEPP provisions applying to advertising and signage are not affected by the Planning Proposal.
State Environmental Planning Policy No. 62 - Sustainable Aquaculture	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 55 - Remediation of Land	The Planning Proposal does not affect the ongoing operation of the SEPP.
State Environmental Planning Policy No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 15 - Rural Land-Sharing Communities	The Planning Proposal will not circumvent or prejudice the establishment of rural land sharing communities.
State Environmental Planning Policy (Integration and Repeals) 2016	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 47 - Moore Park Showground	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 44 - Koala Habitat	The SEPP provisions applying to koala habitat protection are not affected by the Planning Proposal.

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 9 Groom Street medium density housing precinct

SEPP Title	Planning Proposal Consistency
Protection	
State Environmental Planning Policy No. 36 - Manufactured Home Estates	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 21 - Caravan Parks	The Planning Proposal does not affect the operation of the SEPP.
State Environmental Planning Policy No. 33 - Hazardous and Offensive Development	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 30 - Intensive Agriculture	The Planning Proposal does not affect the operation of the SEPP.
State Environmental Planning Policy (Kurnell Peninsula) 1989	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 26 - Littoral Rainforests	Not applicable to Planning Proposal.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 19 - Bushland in Urban Areas	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 14 - Coastal Wetlands	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 1 - Development Standards	Not applicable due to Clause 1.9 of KLEP.

7. Is the Planning Proposal consistent with the applicable Ministerial Directions (Section 117 directions)?

An assessment of the consistency of the Planning Proposal with applicable Section 117(2) Directions is provided in Table 4 below.

Table 4 Summary of Planning Proposal Consistency with s117 Directions

Section 117 Direction	Planning Proposal Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	This Direction is not applicable as the Planning Proposal does not affect land in an existing or proposed business or industrial Zone.
1.2 Rural Zones	This Direction is not applicable as the Planning Proposal does not affect land in an existing or proposed business or industrial Zone.
1.3 Mining, Petroleum Production and Extractive Industries	The Direction is not applicable to the Planning Proposal.
1.4 Oyster Aquaculture	The Direction is not applicable to the Planning Proposal.

Section 117 Direction	Planning Proposal Consistency
1.5 Rural Lands	This Direction is not applicable as the Planning Proposal does not affect land in a rural Zone.
2. Environment and Heritage	
2.1 Environment Protection Zones	This Direction is not applicable as the Planning Proposal does not affect land in an existing or proposed environment protection Zone.
2.2 Coastal Protection	The Direction does not apply to the Planning Proposal.
2.3 Heritage Conservation	Consistent. The Planning Proposal does not affect State or existing KLEP heritage provisions. Heritage conservation provisions in the KLEP Existing provisions will still apply to any site or building that is affected by development that is in principle provided for by the Planning Proposal.
2.4 Recreation Vehicle Areas	Consistent. This Planning Proposal does not enable land to be developed for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	This Direction is not applicable as the Planning Proposal does not introduce or alter any Environmental Zones or Overlays.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The Direction requires that a planning proposal 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 b) Make more efficient use of existing infrastructure and services, and c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and d) Be of good design. The Direction also requires that a planning proposal must: a) Contain a requirement that residential development is not permitted until land is adequately serviced, and b) Not contain provisions that will reduce the permissible residential density of land. The Planning Proposal aims to achieve smaller lots and subsequent development of smaller dwellings in an existing residential area. The Planning Proposal is therefore consistent with these Directions as it will facilitate the development of different dwelling types and make more efficient use of existing infrastructure and services and does not reduce permissible density. Clause 6.4 of the KLEP requires that development consent must only be granted where essential services are available or adequate arrangements have been made to make them available. In this regard, the Planning Proposal is not inconsistent with the Direction.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. The Planning Proposal does not eliminate provisions that permit

Section 117 Direction	Planning Proposal Consistency
	development of caravan parks. The Planning Proposal does not alter the zone of any existing caravan parks.
3.3 Home Occupations	Consistent. The Planning Proposal does not affect the provisions that relate to home occupations.
3.4 Integrating Land Use and Transport	Consistent. This Direction requires that a Planning Proposal must locate Zones and include provisions that give effect to and are consistent with the aims, objectives and principles of: a) <i>Improving Transport Choice- Guidelines for planning and development, and</i> b) <i>The Right Place for Business and Services Planning Policy.</i> The Planning Proposal is consistent with the aims and objectives of these publications.
3.5 Development Near Licensed Aerodromes	This Direction is not applicable as the Planning Proposal does not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	This Direction is not applicable as the Planning Proposal does not affect a zone or provision relating to land adjacent to and/or adjoining an existing shooting range.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	This Direction is not applicable as no Acid Sulfate Soil Planning Maps apply to the Kyogle Council local government area.
4.2 Mine Subsidence and Unstable Land	This Direction is not applicable as the Planning Proposal does not permit development on land that is within a mine subsidence district or that has been identified as unstable.
4.3 Flood Prone Land	Consistent. Existing flood prone land provisions in KLEP are not affected by the Planning Proposal. The proposed KDCP provisions include guidelines that seek to avoid development that is incompatible with flood hazard.
4.4 Planning for Bushfire Protection	Consistent. The Planning Proposal will allow creation of smaller lots (and therefore potentially increased residential density). A very small part of the land that is affected by the Planning Proposal is mapped as bushfire prone land (3,500m ²). If a development application is received for subdivision of bushfire prone land it will require an authorisation under section 100B of the <i>Rural Fires Act 1997</i> . Consequently, any such application will require referral to the NSW RFS as integrated development. The amendments to the KDCP concerning subdivision of small lots and development of medium density residential development, which are proposed to be introduced concurrently with this LEP amendment, both contain provisions to assess risk from bushfire hazard.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The Planning Proposal is consistent with the Far North Coast Regional Strategy as discussed in Part 4 of Section B.

Section 117 Direction	Planning Proposal Consistency
5.2 Sydney Drinking Water Catchments	The Direction does not apply to the Planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Consistent. The Planning does not rezone land identified as State significant farmland, regionally significant farmland or significant non-contiguous farmland for urban or residential purposes.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	This Direction is not applicable as the Planning Proposal does not relate to land in the vicinity of the existing or proposed alignment of the Pacific Highway.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18/06/10)	The Direction does not apply to the Planning Proposal.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	The Direction does not apply to the Planning Proposal.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	The Direction does not apply to the Planning Proposal.
5.8 Second Sydney Airport: Badgerys Creek	The Direction does not apply to the Planning Proposal.
5.9 North West Rail Link Corridor Strategy	The Direction does not apply to the Planning Proposal.
5.10 Implementation of Regional Plans	This Direction does not apply to the Planning Proposal as the North Coast Regional Plan has not been released.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The Planning Proposal does not alter any existing concurrence, consultation or referral requirements.
6.2 Reserving Land for Public Purposes	Consistent. The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	This Direction is not applicable as the Planning Proposal does not allow a particular development to be carried out.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The Direction is not applicable to the Planning Proposal.
7.2 Implementation of Greater Macarthur Land Release Investigation	The Direction is not applicable to the Planning Proposal.

Section C – Environmental, social and economic impacts

8. 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?

It is unlikely that critical habitat or threatened species, populations or ecological communities or their habitats will be affected by the Planning Proposal. The amendment applies to an existing urban area. The proposed KDCP provisions (see Attachment B) contain guidelines to avoid the adverse impacts on ecological values.

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

There only other environmental effects likely to result from subdivision within the subject area will be to do with impacts on residential amenity. Creation of smaller lots will lead to increased residential density which has the potential to impact on amenity of existing dwellings. The proposed KDCP provisions that will apply to development of dwellings on smaller lots that may be created as a result of this LEP amendment include provisions that seek to protect the amenity of existing residential areas. Therefore, any potential impacts will be assessed and managed at the development application stage.

10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will facilitate the development of smaller lots, and consequently, increased residential density. The social and economic impacts of this development are expected to be:

- Increased residential population in the central Kyogle urban area.
- Change in demographics (increased proportion of elderly persons or smaller households).
- Cheaper housing in terms of rent and purchase price.
- Increased use of services and facilities.
- Additional economic activity generated by increased population.

The Planning Proposal is not expected to create social or economic impacts that are of a substantial or significantly adverse nature or scale. Development rates will be influenced by the demand for smaller lots/dwellings and the economic viability of redeveloping individual lots. Consequently, it is difficult to predict the amount of redevelopment that will occur and consequently, the level or scale of social and economic impacts. It is unlikely that the entire area affected by the Planning Proposal will be subdivided into lots smaller than 500m² and it is also unlikely that development will occur in a short timeframe. Therefore, any social or economic impacts are likely to be relatively small scale and occur gradually. The proposed KDCP guidelines include provisions to achieve good residential amenity and to impacts on residential amenity of existing dwelling.

Section D – State and Commonwealth interests

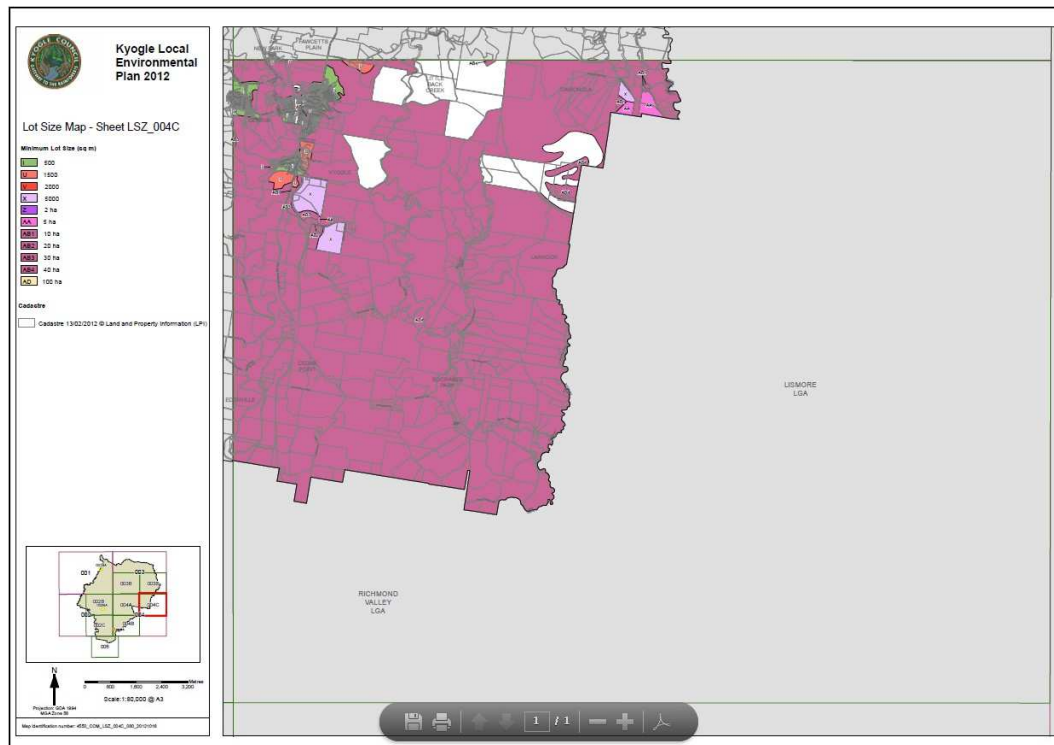
11. Is there adequate public infrastructure for the planning proposal?

Yes. Council's Infrastructure and Assets Department has assessed the capacity of existing infrastructure in the applicable area and has determined that sufficient capacity exists to cater for likely additional development. Where appropriate, Council will apply conditions requiring payment of developer contributions in accordance with its developer contributions plans to cover the cost of any required infrastructure upgrades and increased maintenance requirements.

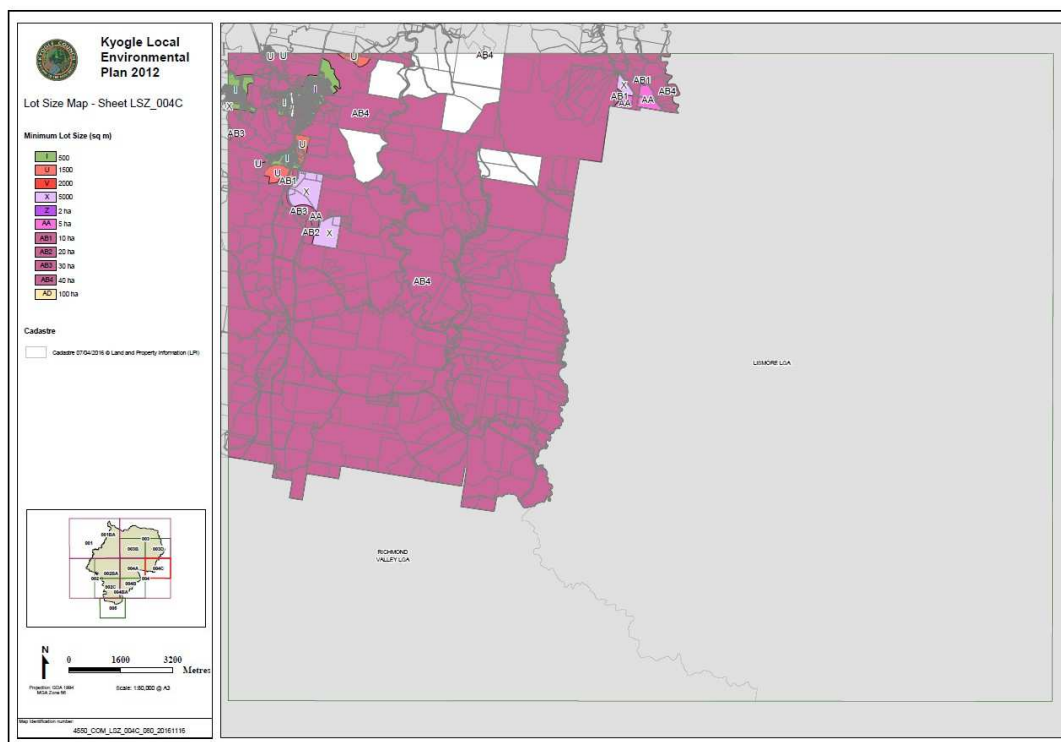
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation will be undertaken with relevant agencies following the gateway determination stage of the LEP amendment.

Part 4 – Mapping



Existing Lot Size Map LSZ_004C



Proposed Lot Size Map (LSZ_004C)

Part 5 – Community Consultation

Community consultation on the planning proposal will be undertaken in accordance with Section 5.5.2 of the 'Guide to preparing local environmental plans' and will involve:

1. Placing a notice in the Richmond River Express Examiner which is a newspaper circulated in the local government area.
2. Placing a notice on Council's website, including a link to the Planning Proposal and draft KDCP provisions.
3. Send a letter to all land owners in the affected area advising them of the proposed LEP amendment and seeking their comments.
4. Facilitate a meeting or workshop targeted at key stakeholders including; consultants, land owners and potential developers. The purpose of the meeting would be to raise awareness of the proposed LEP amendment and seek feedback on the draft KDCP provisions concerning subdivision of small lots and development of dwellings on those lots.

The period of notification is expected to be specified to run for a period of 21 days but Council will be extend this period should it run over the Christmas- New Year period.

Part 6 – Project Timeline

The indicative timeline for the completion of the planning proposal is as shown in Table 5.

Table 5 Indicative Planning Proposal Timeline

Plan Making Step	Estimated Completion
Commencement of Gateway determination	1 December 2016.
Government agency consultation	To be as specified in the Gateway determination. The anticipated timeframe is 21 days and is expected to be undertaken concurrently with the public exhibition period.
Commencement and completion for public exhibition period.	7 December 2016 – 13 January 2017 (37 days)
Public hearings	Not applicable
Consideration of submissions	16 January 2017- 27 January 2017
Further Consideration by Council	13 February 2017
Date of submission to the Department to finalise	15 February 2017
Anticipated date the Council makes the LEP, if delegated	To be determined
Anticipated date Council will forward making of the LEP to the Department for notification	To be determined

Attachments

Attachment A – Council Ordinary Meeting Minute 8 February 2016.

13B.2 PLANNING PROPOSAL TO AMEND THE KYOGLE LOCAL ENVIRONMENTAL PLAN 2012 TO REMOVE MINIMUM LOT SIZES FOR RESIDENTIAL LAND ON EASTERN EDGE OF THE KYOGLE CBD

**REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT SERVICES MANFRED BOLDY**

Councillor Ross Brown left the meeting at 5.36pm

Councillor Michael Reardon arrived at the meeting at 5.36pm.

080216/14 RESOLVED

Moved by Councillor John Burley, seconded by Councillor Maggie Creedy.

That Council:

1. Receives and notes the report on the proposed amendment of its KLEP to remove reference to a minimum lot size on the Minimum Lot Size Map.
2. Resolves to amend the *Kyogle Local Environmental Plan 2012* (KLEP), through the preparation of a Planning Proposal generally in accordance with the changes outlined in this report.
3. Authorise the General Manager to prepare a Planning Proposal consistent with the contents of this report and submit the Planning Proposal to the Department of Planning and Environment (the Department) for review and Gateway Determination.
4. Proceed with the LEP amendment on receipt of a Gateway Determination and that the General Manager be authorised to make any necessary changes to the Planning Proposal in accordance with the requirements of the Department and undertake the necessary administrative procedures of the LEP amendment process in accordance with the provisions of Part 3 Division 4 of the EP&A Act, including public consultation.
5. Amend the Kyogle Development Control Plan 2014 (KDCP) to reflect the changes referred to in this report.
6. Undertake public consultation on the draft Development Control Plan amendment in accordance with legislative requirements for a minimum of 28 days.
7. Consider a further report on conclusion of the public consultation stage, outlining the outcomes of the consultation process including any submissions that were received.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown, Janet Wilson

Councillor Lindsay Passfield called for a division under section 375A of the *Local Government Act 1993*.

FOR	AGAINST
Cr Danielle Mulholland	
Cr Robert Dwyer	
Cr Maggie Creedy	
Cr John Burley	
Cr Chris Simpson	
Cr Lindsay Passfield	
Cr Michael Reardon	

Councillor Ross Brown returned to the meeting at 5.54pm.

13B.3 FINALISATION OF LEP AMENDMENT NO. 6- PLANNING PROPOSAL TO PERMIT ADDITIONAL USES IN RURAL ZONES AND ASSOCIATED DCP PROVISIONS

REPORT BY: PLANNING AND ENVIRONMENT

**CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT
MANFRED BOLDY**

080216/15 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Maggie Creedy.

That Council:

1. Reiterate its support for the planning proposal to amend the Kyogle Local Environmental Plan 2012 to permit additional land uses in Zone RU1 Primary Production and Zone RU2 Rural Landscape with the consent of Council.
2. Pursuant to section 59(1) of the *Environmental Planning and Assessment Act 1979*, Council request Parliamentary Counsel's Office to prepare a draft legal instrument.
3. Upon receiving from Parliamentary Counsel's Office a draft LEP amendment and an Opinion that the plan can be made, exercise its delegation and its delegate make the plan and request NSW Planning and Environment to carry out notification of the making of the plan.
4. Pursuant to Part 3 Division 3 Clause 21(1)(b) of the *Environmental Planning and Assessment Regulation 2000*, approve the associated amendments to Kyogle Development Control Plan 2014.
5. Give public notice of the approval of the DCP provisions in the Richmond River Express Examiner, pursuant to Part 3 Division 3 Clause 21(2) of the *Environmental Planning and Assessment Regulation 2000*.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Lindsay Passfield called for a division under section 375A of the *Local Government Act 1993*.

Attachment B – Proposed amendments to Kyogle Development Control Plan

CHAPTER 2 SUBDIVISION

TABLE OF CONTENTS

Chapter 2 Subdivision	1
1 Introduction	4
1.1 Application	4
1.2 Aims of Chapter 2	4
2 Subdivision in rural areas	Error! Bookmark not defined.
2.1 Application	Error! Bookmark not defined.
2.2 Exempt Development.....	Error! Bookmark not defined.
2.3 Objectives.....	Error! Bookmark not defined.
2.4 Development Guidelines.....	Error! Bookmark not defined.
2.4.1 Subdivision Design	Error! Bookmark not defined.
2.4.2 Managing impacts from surrounding land uses	Error! Bookmark not defined.
2.4.3 Protection of Watercourses and Ecological Features ..	Error! Bookmark not defined.
2.4.4 Natural Hazards and Contaminated Land	Error! Bookmark not defined.
2.4.5 Servicing and Infrastructure	Error! Bookmark not defined.
2.4.7 Site access and road design.....	Error! Bookmark not defined.
2.4.8 Additional guidelines for creation of lots for primary production under Clause 4.2 of the LEP	Error! Bookmark not defined.
2.4.9 Additional guidelines for boundary adjustments	Error! Bookmark not defined.
3 Subdivision in rural residential areas	Error! Bookmark not defined.
3.1 Application	Error! Bookmark not defined.
3.2 Exempt Development.....	Error! Bookmark not defined.
3.3 Objectives.....	Error! Bookmark not defined.
3.4 Development guidelines for the Twelve Preferred Areas....	Error! Bookmark not defined.
3.5 Development guidelines for all other land in Zones RU4 and R5.....	Error! Bookmark not defined.
3.5.1 Subdivision Design	Error! Bookmark not defined.
3.5.2 Managing Impacts from Surrounding Land Uses	Error! Bookmark not defined.
3.5.3 Protection of Watercourses and Ecological Features ..	Error! Bookmark not defined.
3.5.4 Natural Hazards and Contaminated Land	Error! Bookmark not defined.
3.5.5 Servicing and Infrastructure	Error! Bookmark not defined.
3.5.6 Site access and road design.....	Error! Bookmark not defined.
4 Residential subdivision in urban and village areas	1
4.1 Application	5
4.2 Exempt and Complying Development	5
4.3 Objectives.....	5
4.4 Structure planning.....	6
4.4.1 Application	6
4.4.2 Desired outcomes for development subject to structure plan requirements.....	6
4.5 Development guidelines.....	7
4.5.1 Subdivision Design	7
4.5.2 Managing Impacts from surrounding land uses.....	Error! Bookmark not defined.

4.5.3	Protection of Watercourses and Ecological Values	Error! Bookmark not defined.
4.5.4	Hazard and Risk	Error! Bookmark not defined.
4.5.5	Servicing and Infrastructure	Error! Bookmark not defined.
4.5.6	Site access and road design	Error! Bookmark not defined.
4.5.7	Design and provision of open space	Error! Bookmark not defined.
4.5.8	Additional guidelines for boundary adjustments	Error! Bookmark not defined.
4.5.9	Development guidelines for strata or community title subdivision	Error! Bookmark not defined.

5 Subdivision for Commercial, Special use, Industrial and other non-residential purposes in urban and village areas

5.1	Application	Error! Bookmark not defined.
5.2	Exempt and Complying Development	Error! Bookmark not defined.
5.3	Objectives	Error! Bookmark not defined.
5.4	Development Guidelines	Error! Bookmark not defined.
5.4.1	Subdivision Design	Error! Bookmark not defined.
5.4.2	Buffers to surrounding land uses	Error! Bookmark not defined.
5.4.3	Protection of Watercourses and Ecological Values	Error! Bookmark not defined.
5.4.4	Hazard and Risk	Error! Bookmark not defined.
5.4.5	Servicing and Infrastructure	Error! Bookmark not defined.
5.4.6	Site access and road design	Error! Bookmark not defined.
5.4.7	Additional guidelines for boundary adjustments	Error! Bookmark not defined.
5.4.8	Development guidelines for strata title subdivision	Error! Bookmark not defined.

Appendix C2

Table C2.1	Acceptable minimum buffer distances between dwellings and other land uses	Error! Bookmark not defined.
Table C2.2	Provision of public open space	Error! Bookmark not defined.

1 INTRODUCTION

1.1 Application

This Chapter applies in preparing and assessing applications for subdivision (including boundary adjustments) of land and buildings.

1.2 Aims of Chapter 2

- a) To provide comprehensive and clear guidelines for preparing and assessing development applications for subdivision of land in the Kyogle Local Government Area.
- b) To facilitate the subdivision of land that achieves the applicable zone objectives and is appropriate for its intended use.
- c) To promote the development of well-designed subdivisions that respond appropriately to their site and surroundings and meet community expectations.

4 Residential subdivision in urban and village areas

1.3 Application

This section applies to subdivision of land in Zones R1 General Residential, R3 Medium Density Residential, RU5 Village and RE2 Private Recreation for the purposes of residential development. In designing subdivisions and preparing development applications reference should also be made to the relevant provision of the Kyogle LEP 2012, including; Clause 2.6, Clause 4.1 and the Lot Size Maps.

1.4 Exempt and Complying Development

Certain subdivision (including minor boundary adjustments) is permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

Certain strata subdivision of buildings is permitted as Complying Development (minor development which does not require development consent, but can be certified by Council or a private certifier). Reference should be made to any relevant State Environmental Planning Policy.

1.5 Objectives

- a) To facilitate the subdivision of land that achieves the applicable zone objectives.
- b) To ensure subdivisions are integrated with existing urban areas.
- c) To ensure that subdivision design is responsive to its site and surroundings.
- d) To ensure that lots created for subdivision for residential purposes results in the creation of pleasant living and urban environments will allow the siting and construction of dwellings with good residential amenity that integrate with the surrounding urban environment.
- e) To ensure subdivision makes efficient use of infrastructure and minimises life cycle costs.
- f) To ensure that future residents, visitors and workers are not exposed to unacceptable risk from natural hazards or contaminated land.
- g) To encourage subdivision design that has a permeable network of streets that permit efficient movement of vehicles and that maximise opportunities for walking and cycling.
- h) To ensure the protection and preservation of natural resources, biological diversity, watercourses, wetlands, significant native vegetation, habitat and corridors.
- i) To protect cultural heritage.

1.6 Structure planning

1.6.1 Application

This part applies to subdivisions that will, or have the potential to, result in more than 10 new lots. Applications for subdivisions of this scale must demonstrate how the development is consistent with the desired pattern of development, how it links with existing urban form, including the transport network, and how the development will be delivered including supporting infrastructure. Structure planning is the preferred way to design subdivisions of this scale to ensure they are responsive to their site and surroundings and will result in high quality urban outcomes. Where the development site is part of an urban release area for which a development control plan has been drafted, this part will not apply.

1.6.2 Desired outcomes for development subject to structure plan requirements

A structure plan or master plan is submitted that provides for all of the following:

1. A staging plan for the timely and efficient release of development sites that makes provision for necessary infrastructure and delivery sequencing.
2. A pattern of development that is consistent with the desired pattern of development and that responds to site features and constraints including slope, topography, natural hazards, significant existing vegetation, watercourses and cultural heritage.
3. An overall transport movement hierarchy showing the major circulation routes and connections to achieve an efficient and safe movement system for private vehicles, public transport, pedestrians and cyclists.
4. A pattern of streets and paths that maximises permeability and opportunities for walking and cycling within the development and to facilitate access to adjoining urban areas.
5. Development design that facilitates protection of riparian areas and remnant vegetation and enhances their resilience and integrity through weed control and revegetation measures.
6. An overall landscape strategy for the development including planting theme, street trees, treatment of visually prominent locations and open space.
7. A network of passive and active open space that facilitates high standards of recreation and residential amenity.
8. Measures to protect watercourses including stormwater and water quality management controls.
9. Identification of sites for appropriate neighbourhood commercial and retail uses and community facilities.
10. An assessment of the need for additional community facilities and provisions to deliver these facilities.

1.7 Development guidelines

Note: the Acceptable Solutions in the tables below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.

1.7.1 Subdivision Design

Performance criteria	Acceptable solution
Size and design of lots (where 500m² minimum lot size applies)	
P1 The size of lots facilitates achievement of the objectives of the Zone	A1 Lots are at least the minimum size shown on the Lot Size Maps in the LEP
P2 A range of lot sizes are proposed to provide housing choice	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P3 The dimensions and shape of lots are suitable to achieve good residential amenity, permit vehicular access and manoeuvring and do not unduly constrain house design and siting options	A3.1 The frontage to depth ratio of lots does not exceed 1:4 A3.2 Lots have a minimum road frontage of 15 metres and a minimum width at the mid-point of 15 metres A3.3 Lots can accommodate a building envelope of 200m² A3.4 All lots have frontage to a public road
P4 Rear lots are suitable for siting of buildings and access handles permit vehicular access and provision of services	A4.1 Rear lots have a minimum site area of 600m² excluding the area of the access handle A4.2 Rear lot access handles have a minimum width of 5 metres and a minimum carriage way width of 3 metres A4.3 No more than two lots are serviced by an access handle
Size and design of small lots (where no minimum lot size applies)	
P5 The size of lots facilitates achievement of the objectives of the Zone	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P6 The dimensions and shape of lots are suitable to; • achieve good residential amenity; • protect the amenity of adjoining residential land or dwellings; • facilitate provision of services and	A6.1 Lots have a minimum width¹ of 6 metres ¹Lot width is measured from the mid-point of the longest boundary to the mid-point of the opposite longest boundary A6.2 All lots (excluding rear lots) will permit the siting of a dwelling that complies with the provisions of

Performance criteria	Acceptable solution
infrastructure and; • facilitate practical siting of a dwelling and; • achieve practical access to a future dwelling.	Table C11.1 in Appendix C11 of Chapter 11 of this DCP². A6.3 All rear lots will permit the siting of a dwelling that complies with the provisions of Table C11.2 in Appendix C11 of Chapter 11 of this DCP². ²Achievement of A6.2 or 6.3 will generally need to be demonstrated through submission of a site plan showing conceptual building envelopes that comply with the provisions of Chapter 11.
P7 All lots can be lawfully and practically accessed and serviced	A7.1 All lots have frontage to a public road A7.2 Rear lot access handles have a minimum width of 5 metres and a minimum carriageway width of 3 metres OR A7.3 Where rear lots share an access handle that access handle has a minimum width of 5 metres and a minimum carriageway width of 3 metres and all lots have benefit of a reciprocal right of carriageway over the handle
Site features and constraints	
P6 The subdivision layout responds appropriately to the topography and natural features of the site and its surrounds	A6.1 Building envelopes are not sited on land with a gradient exceeding 20% A6.2 Lot size is increased in response to slope A6.3 Existing vegetation of significance is retained
Where development involves the subdivision of land on which an item of environmental heritage is situated or land that is within a heritage conservation area	
P7 Subdivision does not adversely impact on the heritage significance of items of environmental heritage or the heritage conservation area	Where site features an item of environmental heritage: A7.1 Subdivision and likely future development does not alter the setting or views of the heritage item or heritage conservation area Where site is within a heritage conservation area: A7.2 Subdivision is consistent with the historical pattern of subdivision
Where development involves the subdivision of land that adjoins a heritage item	
P8 Subdivision does not adversely impact on the heritage significance of items of environmental heritage	A8 Subdivision and likely future development does not alter the setting or views of the heritage item or site

CHAPTER 11 DWELLINGS ON SMALL LOTS

TABLE OF CONTENTS

1 INTRODUCTION1

1.1 APPLICATION1

1.2 AIMS OF CHAPTER 111

2 DWELLINGS IN ZONES R1 AND R32

2.1 APPLICATION2

2.2 EXEMPT DEVELOPMENT2

2.3 OBJECTIVES2

2.4 DEVELOPMENT GUIDELINES3

APPENDIX C118

1 Introduction

1.1 Application

This Chapter applies in preparing and assessing applications for development of **dwellingings (including dwelling houses, dual occupancies, attached dwellingings and semi-detached dwellingings)** and ancillary development (driveways, garages, carports, sheds, outbuildings, pools, landscaping, stand-alone power systems of domestic scale etc.) **on small lots** (lots that have an area of less than 500m²) or **small rear lots** (rear lots that have an area of less than 600m²) in any Zone where the development is permitted with consent.

1.2 Aims of Chapter 11

- a) To provide development guidelines to assist the design of development proposals and preparation of development applications and the assessment of those applications.
- b) To facilitate the development of dwellingings on small lots that is consistent with the applicable zone objectives.

2 Dwellings in Zones R1 and R3

2.1 Application

This section applies to preparation and assessment of applications for development for the purposes of **dwellings on small lots** (lots less than 500m² in area, or rear lots less than 600m² in area) in Zones R1 and R3. This section also applies to extensions and additions to existing dwellings as well as ancillary buildings and structures.

2.2 Exempt Development

Certain development ancillary to dwellings (eg. driveways, carports, garden sheds) may be permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

2.3 Objectives

- a) To ensure dwellings on small lots and ancillary development complement the character of their surroundings.
- b) To ensure that buildings and structures are designed and sited to minimise earthworks.
- c) To ensure that development does not impact the amenity of surrounding residential development.
- d) To ensure that dwellings and ancillary development are sited to avoid exposure to unacceptable risk from natural hazards and contaminated land.
- e) To ensure that development does not adversely impact environmental values.
- f) To ensure that dwellings have suitable vehicular access and parking and are appropriately serviced.
- g) To encourage development of well-designed dwellings that deliver good residential amenity and maximise water and energy efficiency.
- h) To encourage development of dwellings that can be adapted to meet the needs of different demographic groups and the changing needs of residents.
- i) To ensure the preservation of cultural heritage.

2.4 Development Guidelines

Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.

Performance criteria	Acceptable solution
Height, size and form of buildings	
P1 The height of buildings and structures is consistent with houses in the surrounding area and does not create overshadowing or a loss of privacy for adjoining residential properties	A1 Building height does not exceed maximum height shown on the Height of Buildings Map
P2 Detached dwellings have sufficient separation to achieve required fire separation and allow access for maintenance	A2 Minimum separation distance between detached dwellings is 3 metres
P3 The size of buildings and the development footprint allows for sufficient private open space and does not impact on amenity of adjoining properties	A3.1 Site coverage is in accordance with Table C11.1 or C11.2 A3.2 Floor space ratio is in accordance with Table C11.1 or C11.2.
Boundary setbacks	
P4 Dwellings and ancillary structures have sufficient setback from the front boundary to maintain the character and building line of the street and to allow sufficient area for private open space, car parking and landscaping	A4 The front boundary setback is in accordance with the requirements in Table C11.1
P5 Side and rear boundary setbacks are sufficient to maintain privacy, residential amenity and solar access of adjoining properties, permit access for maintenance and meet Building Code of Australia requirements	A5 The side boundary setback is in accordance with the requirements in Table C11.1 or C11.2
P6 Built to boundary walls: - do not adversely impact privacy; residential amenity and solar access of adjoining properties; - permit access for maintenance and; - meet Building Code of Australia requirements.	A6 Built to boundary walls are in accordance with Table C11.1 or C11.2.
Corner allotments	
P7 Building setbacks on corner allotments are suitable to ensure safety for pedestrians and vehicles, to maintain the character and building line of the streets and allow for the maintenance of privacy, residential amenity and solar access of adjoining properties	A7.1 Front boundary setback to the principal road frontage is as per Table C11.1 A7.2 Setback of buildings and ancillary structures to the secondary road frontage is 3 metres

	A6.3 Setback of buildings and ancillary structures to side boundaries¹ is 2 metres ¹Corner allotments are not considered to have a rear boundary A6.4 Vehicular access points are not closer than 6 metres from the intersection
Open space	
P8 Residents have access to sufficient private open space	A9 Each dwelling has private open space in accordance with Table C11.1 or 11.2
P9 Each dwelling makes suitable provision for outdoor clothes drying	A9 Each dwelling has access to private outdoor space for clothes drying in accordance with Table C11.1 or C11.2
Landscaping	
P10 Landscaping is provided to shade private open space, to soften built form and to make a positive contribution to the streetscape	A10 Each dwelling has landscaping in accordance with Table C11.1 or 11.2
Overlooking and overshadowing	
P11 Development does not result in unreasonable overlooking of habitable rooms and outdoor recreation area on adjoining land	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P12 Development does not result in unreasonable overshadowing of habitable rooms and outdoor recreations areas on adjoining land	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
Building orientation and energy efficiency	
P13 Building design and orientation facilitates passive lighting, heating and cooling	A13.1 Living areas* are orientated to the north or east A13.2 Window and door placement allows internal solar access between May and September and limits internal solar access between October and April A13.3 Eaves are minimum of 450 mm deep A13.4 Internal building layout and location of windows facilitate internal passage of cooling easterly and southerly breezes <i>*Living areas are considered to be kitchen, lounge room, living room or dining room</i>
Livable housing principles	

P14 Dwellings are adaptable to meet the needs of persons of different ages and physical abilities	A14 Each dwelling includes the seven core design features of the 'Livable Housing Design Guidelines' (livable Housing Australia, 2012)
Streetscape (not applicable to dwellings on rear lots)	
P15 Dwellings address the street and allow for passive surveillance	A15.1 The front door of each dwelling is visible from the street A15.2 At least one living area* of each dwelling has a window that faces the street A15.3 Solid front fencing higher than 1.2 metres is not used (except where required for noise attenuation where development site fronts a classified road) <i>*Living areas are considered to be kitchen, lounge room, living room or dining room</i>
P16 Front façades are not dominated by car accommodation	A16.1 Vehicular accommodation is recessed a minimum of 0.5 metres behind the front façade A16.2 Vehicular accommodation does not exceed 50% of the width of each dwelling
Where located on the site of a heritage item	
P17 Development does not adversely impact form, fabric, appearance, views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
Where adjoining a site of a heritage item	
P18 Development does not adversely impact views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
Where located in a heritage conservation area	
P19 Development complements the scale, form and character of existing development in the conservation area	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
Site slope and earthworks	
P20 Development siting, design and layout utilises natural grades of the land and minimises cut and fill	A20.1 Buildings, structures and vehicular parking and manoeuvring areas are not located on land with a gradient exceeding 20% A20.2 On sloping sites dwellings are stepped down the slope to minimise earthworks
P21 Cut and fill structures (including retaining walls) are structurally sound and do not impact on the amenity or geotechnical stability of adjoining properties	A21.1 Cut batters are a maximum 1 metre in height and no closer than 0.9 metres to property boundary

	A21.2 Fill batters are a maximum of 0.6 metres in height and no closer than 0.4 metres to property boundary A21.3 Retaining walls higher than 0.6 metres are designed and certified by an appropriately qualified engineer
Natural hazards	
P22 Dwellings, residents, visitors and firefighters are not exposed to unacceptable risk from bushfire	A22.1 The dwellings are not on land that is mapped as bushfire prone land OR A22.2 The dwellings are assessed as having a Bushfire Attack Level (BAL) no greater than 29 and complies with the requirements of PBP 2006 or any superseding guideline and Australian Standard AS3959 OR A22.3 A report prepared by a Certified Bushfire Practitioner is provided that demonstrates the dwelling can achieve the requirements of PBP 2006 or any superseding guideline
P23 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding	A23.1 The development site is not prone to flooding from inundation or overland flow OR Where development is proposed on flood prone land: A23.2 a report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood plus 0.5 metres
P24 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from landslip or mass movement	A24.1 The development site is not prone to landslip or mass movement OR A24.2 A report is submitted by suitably qualified person that demonstrates the site is geotechnically stable and suitable to accommodate dwellings
Environmental protection	
P25 Development does not create unacceptable impact on ecological functions or biodiversity values	A25.1 Siting of buildings and structures does not require the clearing of native vegetation A25.2 Buildings and structures are not located within a mapped ecological corridor
Protection of watercourses	

P26 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses and water bodies	A26 Buildings and structures are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an ephemeral watercourse (Order 1 or 2 Stream)
Vehicular access and parking	
P27 Dwellings have suitable vehicular access	A27 Each dwelling is accessed via a single vehicular access point
P28 The development will not create unreasonable demand for on-street parking	A28 Each dwelling is provided with at least one car parking space
Servicing and infrastructure	
P29 The development makes suitable provision for management of effluent that does not create public health impacts or adversely impact the quality of surface and ground waters	A29 Each dwelling has an independent connection to the reticulated sewer system
P30 The development must make suitable provision for supply of potable water	A30 Dwellings are connected to the reticulated water system
P31 Stormwater generated by the development does not cause nuisance to or flooding of adjoining properties	A31 Dwellings are connected to the stormwater drainage network
P32 The development must make adequate provision for electrical power without impacting on the amenity of surrounding properties through emissions of noise, fumes or glare through generation of on-site power	A32 Dwellings are connected to the reticulated electricity network
P33 The dwelling must make suitable arrangements for the supply of constant, reliable telecommunications	A32 Dwellings are connected to the fixed line telecommunications network
P33 The development makes satisfactory arrangements for the storage and removal of rubbish	A33.1 Dwellings are serviced by a domestic waste collection service A33.2 Each dwellings has a dedicated external waste storage area that is practically accessible and does not impact on the amenity of surrounding development
Additional guidelines for dwellings that share a common wall	
P34 Development is compliant with the provisions of the Building Code of Australia concerning noise attenuation and fire separation	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

APPENDIX C11

DRAFT

Table C11.1 Requirements for dwellings on small lots

Lot size	<200m ²	201-300m ²	301-400m ²	401-500m ²
Minimum front boundary setback	3m or average of adjoining	3m or average of adjoining	4.5m or average of adjoining	4.5m or average of adjoining
Minimum side boundary setback	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m
Minimum rear boundary setback	Up to 4.5m building height=3m Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=3m Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=3m Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=3m Above 4.5m building height= 6m or average of adjoining, whichever is the lesser
Built to boundary walls	Permitted on both sides where lot width ¹ <8m. Permitted on one side only where lot width ¹ >8m. Maximum height 3.3m or match adjoining built to boundary wall Maximum length 50% of lot depth or to match adjoining built to boundary wall	Permitted on both sides where lot width ¹ <8m. Permitted on one side only where lot width ¹ >8m. Maximum height 3.3m or match adjoining built to boundary wall Maximum length 50% of lot depth or to match adjoining built to boundary wall	Permitted on one side only. Maximum height 3.3m or to match adjoining built to boundary wall Maximum length 50% of lot depth or to match adjoining built to boundary wall	Permitted on one side only. Maximum height 3.3m or to match adjoining built to boundary wall Maximum length 50% of lot depth or to match adjoining built to boundary wall
Maximum site coverage (% of lot area)	65%	60%	55%	50%
Maximum floor space ratio (total)	0.9:1	0.85:1	0.8:1	0.75:1

floor area: lot area)				
Minimum area of private open space ²	16m ² with a minimum dimension of 3m	16m ² with a minimum dimension of 3m	24m ² with a minimum dimension of 4m	24m ² with a minimum dimension of 4m
Minimum area of landscaping ³ (% of lot area)	10%	15%	15%	20%

¹ Lot width is measured across the lot at the midpoint of the longest boundaries.

² Private open space refers to an outdoor area that is available for exclusive use of the resident.

³ Landscaping refers to the area of the lot that is planted with trees and shrubs.

Table C11.2 Requirements for dwellings on small rear lots (rear lots with an area less than 600m²)

Lot size ¹	<200m ²	201-300m ²	301-400m ²	401-599m ²
Minimum front boundary setback	Rear lots have no front boundary	-	-	-
Minimum side boundary setback	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m
Minimum rear boundary setback (where boundary adjoins the rear boundary of an adjoining lot)	Up to 4.5m building height=3m Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=3m Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=3m Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=3m Above 4.5m building height= 6m or average of adjoining, whichever is the lesser
Built to boundary walls	Not permitted except where built in conjunction with another built to boundary wall, or a built to boundary wall exists on the adjoining lot Maximum height 3.3m or match adjoining built to boundary wall Maximum length 50% of lot depth or to match adjoining built to boundary wall	Not permitted except where built in conjunction with another built to boundary wall, or a built to boundary wall exists on the adjoining lot Maximum height 3.3m or match adjoining built to boundary wall Maximum length 50% of lot depth or to match adjoining built to boundary wall	Not permitted except where built in conjunction with another built to boundary wall, or a built to boundary wall exists on the adjoining lot Maximum height 3.3m or to match adjoining built to boundary wall Maximum length 50% of lot depth or to match adjoining built to boundary wall	Not permitted except where built in conjunction with another built to boundary wall, or a built to boundary wall exists on the adjoining lot Maximum height 3.3m or to match adjoining built to boundary wall Maximum length 50% of lot depth or to match adjoining built to boundary wall
Maximum site coverage (% of lot area)	65%	60%	55%	50%

Maximum floor space ratio (total floor area: lot area)	0.8:1	0.8:1	0.75:1	0.7:1
Minimum area of private open space ³	16m ² with a minimum dimension of 3m	16m ² with a minimum dimension of 3m	24m ² with a minimum dimension of 4m	24m ² with a minimum dimension of 4m
Minimum area of landscaping ⁴ (% of lot area)	10%	15%	15%	20%

¹ Lot size of rear lots does not include the area of the access handle or right of carriageway.

² Lot width is measured across the lot at the midpoint of the longest boundaries.

³ Private open space refers to an outdoor area that is available for exclusive use of the resident.

⁴ Landscaping refers to the area of the lot that is planted with trees and shrubs.