

BEGA VALLEY SHIRE COUNCIL

Bega Valley Local Environmental Plan 2013

Planning Proposal:

Detached Dual Occupancy
development in RU1 Primary
Production and RU2 Rural
Landscape Zones

September 2014

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Part 1 – Objectives or Intended Outcomes

The objectives of this Planning Proposal are to:

1. Provide an additional form of housing for farmers and other landowners in the RU1 Primary Production and RU2 Rural Landscape zones.
 2. Enable financial, physical and social support for farmers through an additional housing option.
 3. Limit the impact of additional dwellings in the RU1 Primary Production and RU2 Rural Landscape zones on agricultural resources, farming operations, landscape amenity and Council roads.
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Part 2 – Explanation of the Provisions

This planning proposal will amend BVLEP 2013 in the following manner:

- Remove 'dual occupancies (attached)' from the Land Use Table for the RU1 Primary Production and RU2 Rural Landscape zones as a use that is permitted with consent
- Include 'dual occupancies' in the Land Use Table for the RU1 Primary Production and RU2 Rural Landscape zones as a use that is permitted with consent
- Insert the following provision in Part 4 of BVLEP 2013:

Clause xx Erection of dual occupancy (detached) in Zones RU1 and RU2

1. The objectives of this clause are as follows:

- a) to provide alternate accommodation for rural families and workers,*
- b) to ensure development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land.*

2. Development consent must not be granted to development for the purpose of a dual occupancy (detached) on land in Zone RU1 Primary Production or RU2 Rural Landscape unless the consent authority is satisfied that:

- a) the development will not impair the use of the land for agriculture or rural industries, and*
- b) each dwelling will use the same vehicular access to and from a public road, and*
- c) each dwelling will be situated within 100 metres of each other, and*
- d) the land is physically suitable for the development, and*
- e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and*
- f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.*

Part 3 – Justification

Under Bega Valley Local Environmental Plan (BVLEP) 2002 the erection of a second dwelling house was permitted on any allotment in the 1(a) Rural General Zone on which a dwelling house could be erected, providing the development did not result in more than two dwellings on the allotment. Subdivision of the second dwelling was prohibited.

When preparing the Comprehensive Local Environmental Plan, Council identified a need for 'dual occupancies (detached)' or 'secondary dwellings' in the RU1 Primary Production and RU2 Rural Landscape zones to retain this second dwelling entitlement in rural areas to provide housing options for rural residents and support for farmers with succession planning.

At the direction of the NSW Department of Planning and Environment (the Department) BVLEP 2013 was gazetted with both secondary dwellings and detached dual occupancies listed as prohibited uses in the RU1 and RU2 zones despite concerns of Council with regard to the agricultural base of the Bega Valley.

Since the gazettal of BVLEP 2013 several councils have successfully amended their LEPs, one to include detached dual occupancies and another to include secondary dwellings (previously known as granny flats) in rural zones.

BVLEP 2013 currently permits with consent dwelling houses, dual occupancy (attached) and rural workers dwellings in the RU1 and RU2 zones. Including both attached and detached dual occupancy development would allow greater flexibility for land owners to build an additional dwelling on rural properties.

The requirements for approval of rural workers dwellings are onerous and restrictive and despite a number of enquiries, no development applications for this type of development have been received since BVLEP 2013 came into effect.

Permitting dual occupancies (attached and detached) in the RU1 and RU2 rural zones would provide housing options for rural residents to 'age in place' by providing social and physical support and also provide assistance for farmers seeking additional income. The provision of additional housing options in the RU1 and RU2 zones reduces the need to subdivide larger allotments for new rural residential opportunities and improve the sustainability and quality of life of rural communities by diversifying the population and increasing participation in community events.

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

When preparing the Comprehensive Local Environmental Plan, Council identified a need for 'dual occupancies (detached)' or 'secondary dwellings' in the RU1 Primary Production and RU2 Rural Landscape zones to retain a second dwelling entitlement in rural areas which provides housing options for rural residents and support for farmers with succession planning.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Yes. Amending BVLEP 2013 to permit dual occupancies (detached) in the RU1 Primary Production and RU2 Rural Landscape zones is the only way to achieve the objectives of the Planning Proposal.

Schedule 1 – Additional Uses of BVLEP 2013 could be used as an alternative; however it would bring no additional benefit and would add to the ambiguity in the zoning schedules. Although a valid option in some cases, it is not the preferred approach in this instance given the desirability of securing the long-term identification and use of the subject land. Further to this, the NSW Department of Planning and Infrastructure's policy position states that additional listings in the LEP Schedule 1 should be minimised and should only proceed where a council can demonstrate that there is no other acceptable solution to progress the matter.

Section B – Relationship to Strategic Planning Framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

South Coast Regional Strategy

The primary purpose of the South Coast Regional Strategy (SCRS) is to ensure that adequate land is available and appropriately located to sustainably accommodate projected housing and employment needs for the South Coast Region for the next 25 years.

Section 6 of the Strategy addresses Housing and Settlement and identifies that the future demand for dwellings in the Bega Valley is estimated to be 8,600 over the next 25 years. With a significant proportion (approximately 25%) of Bega Valley residents currently choosing to live in rural areas outside of towns and villages, Council needs to ensure the provision of rural residential opportunities to accommodate the expected population growth and demand.

Section 8 of the Strategy addresses Rural Landscapes and Communities and requires that:

- additional rural residential development must be located on cleared land unsuitable for urban or agricultural uses; and
- the scale of development adjacent to existing villages and rural towns will support the role of the town in serving surrounding communities and preserve its character, scale, cultural heritage and social values.

This proposal is consistent with the objectives and actions of the SCRS. In particular, it is in accordance with the actions relating to housing and settlement and rural landscapes and rural communities being:

- Councils will plan for a range of housing types of appropriate densities, location and suitability, capable of adapting and responding to the aging population;
- The location of non-compatible uses in core productive areas will be limited to allow agricultural land to be used for farming;
- Local environmental plans will include minimum subdivisions standards for rural and environmental protection zones;
- The scale of development within and adjacent to existing villages and rural towns will support the role of the town in serving surrounding communities and preserve its character, scale, cultural heritage and social values.

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Bega Valley 2030 Community Strategic Plan

The Community Strategic Plan (CSP) identifies the long term aspirations of the Bega Valley Shire's community. Two of the key aims of the CSP are:

- to support a place where everyone regardless of age or circumstance can enjoy a safe, involved and affordable community life; and

- to ensure the unique environment is protected to maintain biodiversity and water quality and managed for our community, to provide growth and economic opportunity.

In terms of outcomes, this Planning Proposal is consistent with these two aims of the CSP by enabling additional housing options for rural residents that:

- provide support for farmers with succession planning;
- are capable of supporting a range of housing choices that are affordable, sustainable and suited to the needs of the community; and
- are capable of minimising and managing impacts on the surrounding farming operations and natural environment.

Q5. Is the Planning Proposal consistent with applicable State Environment Planning Policies?

This Planning Proposal is consistent with most applicable State Environmental Planning Policies (SEPPs). Where this Planning Proposal is inconsistent with a SEPP the inconsistency is justified on the basis that the inconsistency is minor.

The SEPPs that are applicable to this Planning Proposal are detailed in this Section. For a complete checklist of SEPPs refer to Attachment 2.

SEPP No. 44 Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. It requires the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat.

This Planning Proposal is consistent with the SEPP as the subject properties do not contain any mapped primary or secondary koala habitat areas and any core koala habitat can be determined at the time of any development application for a dual occupancy (detached).

SEPP No. 55 Remediation of Land

This SEPP introduces planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.

Bega Valley Shire Council's records indicate that none of the subject land is contaminated.

SEPP No. 71 Coastal Protection

SEPP 71 controls development in the coastal zone. SEPP 71 aims to ensure that development in the NSW coastal zone is appropriate and suitably located, that there is a consistent and strategic approach to coastal planning and management, and that there is a clear development assessment framework for the coastal zone.

This Planning Proposal is consistent with this SEPP as it does not contradict or hinder the application of the coastal planning provisions contained within the SEPP and does not promote development that will impede or diminish access to coastal foreshores, result in

effluent discharge that negatively affects water quality, or involve a discharge of untreated storm water into the sea, a beach, an estuary, or coastal lake or creek.

SEPP (Rural Lands) 2008

SEPP (Rural Lands) 2008 facilitates the orderly and economic use and development of rural lands for rural and related purposes. Clause 10(3) of SEPP (Rural Lands) 2008 prescribes a number of matters for consideration in determining development applications for rural subdivisions or rural dwellings. The Clause applies to land in a rural zone, a rural residential zone or an environment protection zone.

This Planning Proposal is consistent with the SEPP as it will enable additional types of residential development in areas that are appropriate for such development as they are compatible with nearby existing and approved uses of land and are unlikely to significantly impact on agricultural land uses in the vicinity. This Planning Proposal is consistent with the principles of the SEPP, notably providing opportunities for settlement that contributes to the social and economic welfare of rural communities.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions?

This Section addresses consistency with applicable Section 117 Directions. Attachment 3 contains a complete list of all 117 Ministerial Directions that are applicable in the Bega Valley Shire.

1.2 Rural Zones

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The objective of this Direction is to protect the agricultural production value of rural land.

This Planning Proposal is consistent with this Direction as it does not seek to increase the permissible density of any land that is currently used for agricultural production. Under BVLEP 2013 'dual occupancies (attached)' are permissible in the RU1 Primary Production and RU2 Rural Landscape zones. This proposal to permit 'dual occupancies (detached)' simply allows the dwelling to be situated in proximity to the principal dwelling so as not to detract from any existing or future agricultural operations.

1.5 Rural Lands

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone or that changes the existing minimum lot size on land within a rural or environment protection zone.

The objectives of this Direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.

The proposed inclusion of 'dual occupancies (detached)' as permissible development in rural zones contained in this Planning Proposal are consistent with this Direction because they conform to the Rural Planning and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008 and they do not compromise the production value or development of rural land for rural purposes. In particular, this Planning Proposal will:

- Not enable the fragmentation of high quality agricultural land;
- Not enable the potential for additional rural land use conflicts, particularly between residential land uses and other rural land uses;
- Provide rural residential opportunities compatible with the natural and physical characteristics of the land and that will integrate with surrounding and existing rural residential developments; and
- Provide rural residential opportunities in areas close to existing town centres that are well serviced and capable of meeting the daily needs of residents.

2.2 Coastal Protection

This Direction applies when a planning authority prepares a Planning Proposal that applies to land in the Coastal Zone. The objective is to implement the principles in the NSW Coastal Policy.

This Planning Proposal is not seeking to rezone any land within the Coastal Zone. Therefore, this Planning Proposal is consistent with this Direction as it will not contradict or hinder the application of the coastal planning provisions contained in the NSW Coastal Policy.

4.1 Acid Sulphate Soils

This Direction applies when a relevant planning authority prepares a Planning Proposal that will apply to land having a probability of containing acid sulphate soils as shown on the Acid Sulphate Soils Planning Maps.

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has the probability of containing Acid Sulphate Soils.

This Planning Proposal is consistent with this Direction as it will not necessarily lead to intensification of land uses proposed on land identified on the Acid Sulphate Soils Planning Maps. Permitting 'dual occupancies (detached)' in the RU1 Primary Production and RU2 Rural Landscape zones with consent will allow the impacts of any such development on Acid Sulphate Soils to be determined at the time of the application.

4.3 Flood Prone Land

This Direction applies when a relevant planning authority prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land.

The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the

Floodplain Development Manual 2005 and that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This Planning Proposal is consistent with this Direction as it does not propose to rezone any flood prone land. With the objective of implementing the principles of the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, BVLEP 2013 contains a clause that specifically deals with flood planning issues.

4.4 Planning for Bushfire Protection

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land. The objectives of this Direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and encourage sound management of bush fire prone areas.

The properties that are the subject of this Planning Proposal may contain bushfire vegetation within category 1 and/or 2, therefore consultation with the NSW Rural Fire Service under Section 56 of the *Environmental Planning and Assessment Act 1979* will form part of the Planning Proposal process. This Planning Proposal does not contradict or hinder the application of the provisions contained within Planning for Bushfire Protection 2006.

5.1 Implementation of Regional Strategies

Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.

As detailed at Q3, this Planning Proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South Coast Regional Strategy.

6.1 Approval and Referral Requirements

Planning Proposals must minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of Department of Planning and not identify development as designated development unless justified.

This Planning Proposal is consistent with this Direction as it does not introduce concurrence, consultation or referral requirements or identify development as designated development.

Section C – Environmental, Social and Economic Impact

Q7. 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?

There is no declared critical habitat in the Bega Valley Shire. It is not expected that this Planning Proposal will result in any adverse effect on threatened species, populations or ecological communities or their habitats. Any potential impact on these habitats and communities can be addressed at the time of any development application for a dual occupancy.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This Planning Proposal may result in an impact on rural character over time. The proposed provision for insertion in BVLEP 2013 includes a criterion that allows consideration to be given to this issue at the time a development application is submitted. Other environmental impacts, such as the management of on-site effluent disposal, can be addressed at the development assessment stage.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will allow an additional choice of dwelling type to rural land owners, which has the potential to provide increased social, financial and physical support for residents of rural areas as they age. It also allows an aging population to support family members and provides support for farmers with succession planning.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The additional rural residential dwellings that will result from this Planning Proposal are small scale and additional demand for infrastructure is not anticipated.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth public authorities has not yet been undertaken. The level of consultation will be determined by the NSW Department of Planning and Infrastructure when it makes its Gateway Determination.

Government agencies identified for consultation with regard to this Planning Proposal are:

- NSW Department of Primary Industries
- NSW Rural Fire Service

Part 4 – Mapping

This Planning Proposal does not involve amendments to the BVLEP 2013 maps.

Part 5 – Community Consultation

The Gateway Determination will confirm community consultation requirements. If this Planning Proposal is supported, it is likely that the Proposal will be exhibited as a 'low' impact proposal for a period of not less than 14 days in accordance with Section 5.5.2 of *A Guide to Preparing LEPs*. A 'low' impact proposal is defined as *'a planning proposal that, in the opinion of the person making the Gateway determination is:*

- *Consistent with the pattern of surrounding land use zones and/or land uses;*
- *Consistent with the strategic planning framework;*
- *Presents no issues with regard to infrastructure servicing;*
- *Not a principle LEP; and*
- *Does not re-classify public land'.*

Public exhibition of the Planning Proposal will include notification on the Bega Valley Shire Council website, notification in the newspapers that circulate widely in the area (Merimbula News Weekly, Eden Magnet and Bega District News) and in writing to affected landowners.

Information relating to the Planning Proposal will also be on display at the following Bega Valley Shire Council customer service centres:

Place	Address
Bega	Zingle Place, Bega NSW 2551
Merimbula	Market St, Merimbula NSW 2548
Eden	Cnr Imlay and Mitchell St, Eden NSW 2550
Bermagui	Bunga St, Bermagui NSW 2546

Part 6 – Timeline

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to *Bega Valley Local Environmental Plan 2013* will be completed by April 2014.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council's General Manager or Director of Planning and Environmental Services.

Table A: Approximate Project Timeline

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit Planning Proposal to the Department	September 2014
STAGE 2 – Receive Gateway Determination	October 2014
STAGE 3 – Preparation of documentation for Public Exhibition	November 2014
STAGE 4 – Public Exhibition of the Planning Proposal	December 2014
STAGE 5 – Review/consideration of submissions received	December 2014
STAGE 6 – Council Report	January 2014
STAGE 7 – Meetings	February 2014
STAGE 8 – Forward Planning Proposal to Department of Planning and Infrastructure with request amendment is made	March 2014
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	April 2014
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	May 2014

Attachment 1: Council report and resolutions

Council Report: Planning and Environment Committee No. 4 – 9 July 2014

8.1 Detached Dual Occupancy development in RU1 Primary Production and RU2 Rural Landscape Zones

The aim of the report is for Council to consider the preparation of a planning proposal to permit detached dual occupancy development in the RU1 Primary Production and RU2 Rural Landscape zones.

Group Manager Planning & Environment

BACKGROUND

Under Bega Valley Local Environmental Plan (BVLEP) 2002 the erection of a second dwelling house was permitted on any allotment in the 1(a) Rural General Zone on which a dwelling house could be erected, providing the development did not result in more than two dwellings on the allotment. Subdivision of the second dwelling was prohibited.

When preparing the Comprehensive Local Environmental Plan, Council identified a need for 'dual occupancies (detached)' or 'secondary dwellings' in the RU1 Primary Production and RU2 Rural Landscape zones to retain this second dwelling entitlement in rural areas to provide housing options for rural residents and support for farmers with succession planning.

At the direction of the NSW Department of Planning and Environment (the Department) BVLEP 2013 was gazetted with both secondary dwellings and detached dual occupancies listed as prohibited uses in the RU1 and RU2 zones despite concerns of Council with regard to the agricultural base of the Bega Valley.

The Department maintained at the time that permitting second dwellings in rural areas would lead to pressure to subdivide which would fragment productive agricultural lands and that alternative housing options were available in rural villages and existing concessional lots. With the assistance of the Department's Wollongong Region Office staff, the Department did permit development for rural workers' dwellings and attached dual occupancies as permitted uses with development consent in the RU1 and RU2 zones.

Since the gazettal of BVLEP two councils in northern NSW have successfully amended their LEPs, one to include detached dual occupancies and the other to include secondary dwellings (previously known as granny flats) in rural zones.

DISCUSSION

BVLEP 2013 currently permits with consent dwelling houses, dual occupancy (attached) and rural workers dwellings in the RU1 and RU2 zones. Including both attached and detached dual occupancy development would allow greater flexibility for land owners to build an additional dwelling on rural properties.

The requirements for approval of rural workers dwellings are onerous and restrictive and despite a number of enquiries, no development applications for this type of development have been received since BVLEP 2013 came into effect.

Permitting both rural workers dwellings and dual occupancies (attached and detached) in the RU1 and RU2 rural zones would:

- Provide housing options for rural residents and farmers to 'age in place' by providing social and physical support.
- Provide support for farmers seeking additional income.
- Reduce the need to subdivide larger allotments for new rural residential opportunities.
- Improve the sustainability and quality of life of rural communities by diversifying the population and increasing participation in community events.

To minimise the potential adverse impacts of additional dwellings on existing farming operations and the amenity of the rural landscape, it is proposed that the following clause from the recently gazetted Lismore Local Environmental Plan 2012 (Amendment No 5) be adopted, that specifies the criteria for consideration of approval of a detached dual occupancy in the RU1 and RU2 zones.

Erection of dual occupancy (detached) in Zones RU1 and RU2

1. The objectives of this clause are as follows:

- a) to provide alternate accommodation for rural families and workers,
- b) to ensure development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land.

2. Development consent must not be granted to development for the purpose of a dual occupancy (detached) on land in Zone RU1 Primary Production or RU2 Rural Landscape unless the consent authority is satisfied that:

- a) the development will not impair the use of the land for agriculture or rural industries, and
- b) each dwelling will use the same vehicular access to and from a public road, and
- c) each dwelling will be situated within 100 metres of each other, and
- d) the land is physically suitable for the development, and
- e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
- f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.

It is considered that this clause would ensure that the additional dwelling would not impair the use of land for agricultural or rural industry purposes and would not detract from the scenic amenity and character of the rural environment.

The 100 metre separation was based on achieving two dwellings within reasonable proximity given potential topographic constraints. It is acknowledged that there may be concerns with specifying a numerical standard as to how far the second dwelling is to be located from the first, as there are often exceptions to the standard. However, it is considered that it is important to specify a distance to ensure that such accommodation does not conflict with, or affect the viability of, existing or potential agricultural activities and rural industries.

Under certain circumstances Council may be able to consider a variation to this 100 meter standard in accordance with Cause 4.6 'Exceptions to Development Standards' of BVLEP 2013.

Subdivision of a detached dual occupancy would be prohibited unless the minimum subdivision lot size under BVLEP 2013 was able to be met.

ISSUES

Sustainable Economic Growth and Development

It is considered that permitting detached dual occupancies in the RU1 and RU2 zones would have positive economic impacts on farmers and other rural land owners by enabling housing options for rural residents seeking additional income, and social and physical support.

Social Inclusion and Participation

It is considered that increased flexibility in relation to housing would enable farmers to remain on their land for a longer period after retirement which would limit social dislocation and allow people to remain in their local community for as long as possible.

By providing additional housing options for rural residents, Council would be contributing to the reduction of outward migration from the Bega Valley and would provide increased support for rural community facilities e.g. halls and schools.

Strategic Land Use Planning

Permitting detached dual occupancies in RU1 and RU2 zones demonstrates Council's commitment to responding to the housing needs of the community.

The proposal meets the objectives of the 2008 Bega Valley Land Use Planning Strategy with regard to rural settlement which are to provide for rural living opportunities which do not reduce the primary production potential of important agricultural land and which do not adversely impact on the environmental values of the Bega Valley Shire.

The proposal is consistent with the objectives and actions of the South Coast Regional Strategy. In particular, it is in accordance with the actions relating to housing and settlement and rural landscapes and rural communities being:

- Councils will plan for a range of housing types of appropriate densities, location and suitability, capable of adapting and responding to the aging population.
- The location of non-compatible uses in core productive areas will be limited to allow agricultural land to be used for farming.
- Local environmental plans will include minimum subdivision standards for rural and environmental protection zones.
- Local environmental plans will include provisions to limit dwellings in rural and environmental zones.
- The scale of development within and adjacent to existing villages and rural towns will support the role of the town in serving surrounding communities and preserve its character, scale cultural heritage and social values.

CONCLUSION

The proposal to amend the RU1 and RU2 land use tables to include detached dual occupancies as permitted uses, with development consent, would provide increased flexibility for additional dwellings in the Shire's productive rural zones and benefit both farmers and other rural residents.

The location and potential impact of an additional dwelling on existing farming operations or adjoining farms or rural industries would be assessed through the development application process and, in particular, via the consideration of the proposed objectives outlined in this report.

It is recommended that Council prepare a planning proposal to permit detached dual occupancy development in the RU1 and RU2 zones under BVLEP 2013.

RECOMMENDATION

1. That Council staff prepare a planning proposal to permit detached dual occupancies as a permitted use with consent in the RU1 and RU2 Land Use Tables of BVLEP 2013.
2. That the Planning Proposal be forwarded to the Department of Planning for Gateway Panel Determination.

Council Minutes: Planning and Environment Committee No. 5 – 9 July 2014

8.1 Detached Dual Occupancy development in RU1 Primary Production and RU2 Rural Landscape Zones

1. That Council staff prepare a planning proposal to permit detached dual occupancies as a permitted use with consent in the RU1 and RU2 Land Use Tables of BVLEP 2013.
 2. That the Planning Proposal be forwarded to the Department of Planning for Gateway Panel Determination.
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Attachment 2: State Environmental Planning Policies

State Environmental Planning Policy		Compliance
SEPP No. 1	Development Standard	N/A
SEPP No. 4	Development without Consent and Miscellaneous Exempt and Complying Development	N/A
SEPP No. 6	Number of Storeys in a Building	N/A
SEPP No. 14	Coastal Wetlands	N/A
SEPP No. 15	Rural Land Sharing Communities	N/A
SEPP No. 19	Bushland in Urban Areas	N/A
SEPP No. 21	Caravan Parks	N/A
SEPP No. 22	Shops and Commercial Premises	N/A
SEPP No. 26	Littoral Rainforests	N/A
SEPP No. 29	Western Sydney Recreational Area	N/A
SEPP No. 30	Intensive Agriculture	N/A
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	N/A
SEPP No. 33	Hazardous and Offensive Development	N/A
SEPP No. 36	Manufactured Home Estates	N/A
SEPP No. 38	Olympic Games and Related Projects	N/A
SEPP No. 39	Spit Island Bird Habitat	N/A
SEPP No. 41	Casino/Entertainment Complex	N/A
SEPP No. 44	Koala Habitat Protection	Consistent
SEPP No. 47	Moore Park Showground	N/A
SEPP No. 50	Canal Estate Development	N/A
SEPP No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No. 53	Metropolitan Residential Development	N/A
SEPP No. 55	Remediation of Land	Consistent
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	N/A
SEPP No. 59	Central Western Sydney Regional and Open Space and Residential	N/A
SEPP No. 60	Exempt and Complying Development	N/A
SEPP No. 62	Sustainable Aquaculture	N/A
SEPP No. 64	Advertising and Signage	N/A
SEPP No. 65	Design Quality of Residential Flat Development	N/A
SEPP No. 70	Affordable Housing (Revised Schemes)	N/A
SEPP No. 71	Coastal Protection	Consistent
SEPP No. 74	Newcastle Port and Employment Lands	N/A
SEPP	Housing for Seniors or People with a Disability 2004	N/A
SEPP	Building Sustainability Index: BASIX 2004	N/A
SEPP	Major Development 2005	N/A
SEPP	Development on Kurnell Peninsula 2005	N/A
SEPP	Sydney Region Growth Centres 2006	N/A
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A
SEPP	Infrastructure 2007	N/A
SEPP	Temporary Structures 2007	N/A
SEPP	Kosciuszko National Park – Alpine Resorts 2007	N/A
SEPP	Rural Lands 2008	Consistent
SEPP	Affordable Rental Housing 2009	N/A
SEPP	Western Sydney Employment Area 2009	N/A
SEPP	Exempt and Complying Development Codes 2008	N/A
SEPP	Western Sydney Parklands 2009	N/A

Attachment 3: Section 117 Ministerial Directions

Section 117 Direction	Compliance
1. Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	Consistent
1.3 Mining, Petroleum and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	Consistent
2. Environment and Heritage	
2.1 Environment Protection Zone	N/A
2.2 Coastal Protection	Consistent
2.3 Heritage Conservation	N/A
2.4 Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	N/A
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	N/A
3.5 Development Near Licensed Aerodromes	N/A
3.6 Shooting Ranges	N/A
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Consistent
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	Consistent
4.4 Planning for Bushfire Protection	Consistent
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent
5.2 Sydney Drinking Water Catchment	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5 Second Sydney Airport: Badgerys Creek	N/A
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	N/A
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A