



PLANNING PROPOSAL

Permitting Secondary Dwellings in
RU4 - Primary Production Small Lots

Prepared by Warringah Council

October 2015

TRIM Reference: 2015/243068

Table of Contents

Acronyms used in this Report	2
Introduction	3
Part 1: Objectives or Intended Outcomes	5
Part 2: Explanation of Provisions	6
Part 3: Justification	7
Section A - Need for the Planning Proposal.	7
Section B - Relationship to Strategic Planning Framework	7
Section C - Environmental, Social and Economic Impact.....	10
Section D - State and Commonwealth Interests.....	11
Part 4: Community Consultation.....	12

Acronyms used in this Report

Council	Warringah Council
CSP	Community Strategic Plan
Department	Department of Planning and Environment (former Department of Planning and Infrastructure)
SEPP	State Environmental Planning Policy
WLEP 2011	Warringah Local Environmental Plan 2011

Introduction

The Planning Proposal is seeking to amend controls in *Warringah Local Environmental Plan 2011* (WLEP 2011) to allow Secondary Dwellings in RU4 – Primary Production Small Lots zones, within or attached to existing Principal Dwellings. This will allow for development of Secondary Dwellings alongside residential development with reduced impacts to built form and environmental amenity. The Planning Proposal does not allow for Secondary Dwellings that are detached from the Principal Dwelling.

Secondary Dwellings are permitted by *SEPP (Affordable Rental Housing)*, which sets requirements for this type of development. This includes the definition of Secondary Dwellings to include structures that are internal to, attached to, or detached from the Principal Dwelling. While 'detached' Secondary Dwellings may be suitable in more urbanised residential areas, this Planning Proposal seeks to allow only 'internal' and 'attached' Secondary Dwellings. This is due to the potential impacts on the local character and natural environment within and surrounding the RU4 zoned areas.

In 2014, Council undertook a desktop review of the viability of allowing this type of development (TAG 4). This review found that the introduction of Secondary Dwellings in RU4 zoned areas would have minimal impacts to Council services and local amenity, while increasing housing supply. In 2015, Council undertook further consultation with the Rural Fire Service, National Parks and Wildlife Service and Sydney Water regarding potential impacts of permitting the development type. This consultation confirmed that impacts on the environment and infrastructure would be minimal (TAG 6).

On 23 June 2015, Council resolved to prepare a Planning Proposal to permit 'internal' and 'attached' Secondary Dwellings within the RU4 zoned areas of Terrey Hills and Duffys Forest (TAG 7). This Planning Proposal seeks to amend WLEP 2011 as per the resolution.

The Planning Proposal

This Planning Proposal comprises parts consistent with the *A Guide to Preparing Planning Proposals* (October 2012) and *A Guide to Preparing Local Environmental Plans* (April 2013):

Part 1 - Objectives or Intended Outcomes

Part 2 - Explanation of Provisions

Part 3 - Justification

Part 4 - Community Consultation

Part 1: Objectives or Intended Outcomes

The objective of the Planning Proposal is to allow Secondary Dwellings with consent, if they are:

- Within an RU4 – Primary Production Small Lot and one of the following:
 - Attached to a Principal Dwelling
 - Within an existing dwelling house

The intended outcome of the Planning Proposal is that Secondary Dwellings will be developed in residential areas of RU4 zones, increasing housing availability and choice in those areas. The RU4 zones are located within the suburbs of Terrey Hills and Duffys Forest. This outcome is supported by the objectives of Council's Community Strategic Plan, *A Plan for Growing Sydney (2014)* and *SEPP (Affordable Rental Housing)*, as described in Part 3.

Part 2: Explanation of Provisions

Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following amendments to WLEP 2011:

Relevant sections of WLEP2011	Proposed Amendments
Part 6 Additional Local Provisions	Additional clause that: - Contains an objective to ensure that development of Secondary Dwellings in Zone RU4 – Primary Production Small Lot is low impact and without adverse effects on the ecological, social and aesthetic values of the land. - Ensures development consent must not be granted to development for a secondary dwelling in Zone RU4 – Primary Production Small Lot, unless the consent authority is satisfied that the development will be carried out within or by alteration or addition to a dwelling house.

Table 1: Explanations of Provisions

Part 3: Justification

Section A - Need for the Planning Proposal.

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

The Planning Proposal is the result of a Council resolution made on 23 June 2015 (TAG 7). That resolution was in response to a desktop review presented to Council at its meeting on 25 November 2014 (TAG 4). The review investigated the appropriateness of allowing Secondary Dwellings in the RU – Primary Production Small Lots land use zone in Terrey Hills and Duffys Forest.

An additional report detailing additional consultation with relevant agencies was considered by Council at its 23 June 2015 meeting (TAG 6). This report confirmed Council's initial findings that the development type would provide benefits in terms of housing supply and choice with minimal impacts to amenity, infrastructure and services.

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

The Planning Proposal is an appropriate means of achieving the objective listed in Part 1. The following is noted in support of this view:

- Secondary Dwellings controls are primarily defined by *SEPP (Affordable Rental Housing)*
- *SEPP (Affordable Rental Housing)* allows environmental planning instruments, such as WLEP 2011, to increase limits to total floor area
- The proposed amendment modifies WLEP 2011 in a way which is consistent with existing controls in *SEPP (Affordable Rental Housing)*

Is there a net community benefit?

The Planning Proposal will deliver a net community benefit. The key community benefits include:

- Delivery of additional housing choice in Warringah
- Maintenance of the existing character of established areas

Section B - Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy, including the Sydney Metropolitan Strategy and exhibited draft strategies?

1. A Plan For Growing Sydney (2014)

A Plan for Growing Sydney is the latest metropolitan strategy released by the Department of Planning and Environment to set the framework for Sydney's growth to 2031 and beyond.

A key focus of the strategy is on boosting housing and jobs growth across Sydney. As such, the strategy sets a dwelling target (net additional) of 664,000 new dwellings across Sydney by 2031.

The Planning Proposal is consistent with the relevant objectives summarised in the table below:

A Plan For Growing Sydney Action	Consistency
2.1.1 Accelerate housing supply and local housing choices	The Planning Proposal will allow for additional housing supply and choice in Warringah in the form of Secondary Dwellings. This supply and choice will be concentrated in RU4 zones that already have residential development, taking advantage of existing infrastructure and services.
2.1.2 Accelerate new housing in	The Planning Proposal supports development within existing

designated infill areas (established urban areas) through the priority precincts and Urbangrowth NSW programs	residential development. This will take advantage of current infrastructure and reduces the need for greenfield development. This development will be accessible by the major corridors of Forest Way and Mona Vale Road, providing access to the future Northern Beaches Hospital, Pittwater, and Macquarie Park.
2.2.3 Deliver more opportunities for affordable housing	The Planning Proposal encourages the development of Secondary Dwellings, a type of affordable rental housing. By allowing Secondary Dwellings, additional affordable housing supply will be able to be developed by land owners.

Table 2: A Plan for Growing Sydney Actions Summary

2. Draft North East Subregional Strategy (2007)

The draft North East Subregional Strategy translates the objectives of NSW Government's *Metropolitan Strategy* (2005) to the local level. The following actions are relevant to the Planning Proposal:

Draft North East Subregion Strategy Action	Consistency
C2.3.2 North East councils to provide for an appropriate range of residential zoning to cater for changing housing needs	The RU4 zone currently allows for development of dwelling houses. The Planning Proposal will allow for additional residential development in the RU4 zone in the form of Secondary Dwellings. Secondary Dwellings can provide a larger range of residential options downsizing seniors, young families and other demographics. This will cater for changing housing needs in the suburbs of Terrey Hills and Duffys Forest.

Table 3: A Plan for Growing Sydney Actions Summary

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

The Planning Proposal is consistent with the CSP. While the Planning Proposal is not directly related to an action area of the Community Strategic Plan, it is consistent with the following objective:

Objective	Consistency
5.3 We offer a variety of housing choices that meet the needs of our community and complements local neighbourhoods and the Warringah Lifestyle	The Planning Proposal will encourage the provisioning of a variety of housing choices across Warringah. This will help meet the needs of the community by providing options for downsizing families as well as housing for workers in the surrounding areas. Internal and attached Secondary Dwellings will complement the local character of RU4 zoned areas by localising development around existing Principal Dwellings. Excluding development of detached Secondary Dwellings will help ensure that land is not overdeveloped in a manner inconsistent with local character.

Table 4: CSP Objective Summary

Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPP's)?

The Planning Proposal is consistent with the relevant SEPP. The relevant SEPP is summarised below:

SEPP	Consistency
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SEPP (Affordable Rental Housing)	The SEPP provides a consistent planning regime for the provision of affordable rental housing. The Planning Proposal allows for Secondary Dwellings in areas with residential development. As the RU4 zone currently supports development of dwelling houses, this is consistent with the SEPP.
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Table 5: SEPP Summary

Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The following Ministerial Directions are applicable to the proposal:

- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Ministerial Direction	Objectives	Comment
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	The Planning Proposal is consistent with the objectives of the direction and will: - encourage variety and choice of housing types by allowing additional development of affordable housing - promote development in established areas, maintaining access to infrastructure and services - reduce the need for development on the urban fringe by increasing the development potential of established areas
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the	The Planning Proposal is consistent with the objectives of the direction as it will increase housing choice in established areas. New residents may take advantage, and enhance the viability of existing and mature services (e.g. public transportation).

Ministerial Direction	Objectives	Comment
	distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight	
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal is consistent with the objective of the direction as it will take advantage of the established requirements of SEPP (Affordable Rental Housing) to encourage efficient and appropriate assessment of development
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	The Planning Proposal is consistent with the <i>Plan for Growing Sydney</i> , the most recent Metropolitan Plan, as discussed above.

Table 6: S117 Summary

Section C - Environmental, Social and Economic Impact.

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?

This Planning Proposal limits development of Secondary Dwellings to 'internal' and 'attached' development. This limitation reflects the current development potential of RU4 zones, as Residential development and expansion of dwellings is permitted.

Further, Secondary Dwellings in RU4 zones are proposed to be submitted to the Development Assessment process. This will allow for Council to consider impacts on the natural environment.

The proposal will not increase the likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

As mentioned above, development associated with dwelling houses is permitted in RU4 zones. Development controls are managed through *SEPP (Exempt and Complying Development)*, *WLEP 2011* and *Warringah Development Control Plan 2011*. With the introduction of Secondary Dwellings as a permitted development type, *SEPP (Affordable Rental Housing)* will also be used to manage future development.

Future applications allowed by the Planning Proposal will be assessed under this suite of controls which mitigate the likelihood of environmental effects. Any environmental effects that may occur will be managed through those controls.

Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will have positive social and economic effects, as it will allow for additional development of affordable housing in Warringah. This will increase housing choice, providing benefits for both land owners and tenants.

Section D - State and Commonwealth Interests.

Is there adequate public infrastructure for the Planning Proposal?

Council has undertaken a desktop review of potential impacts to Council provided services and infrastructure as part of a report presented to Council at its 25 November 2014 meeting (TAG 4). Further consultation with Sydney Water and the Rural Fire Service regarding potential impacts to public infrastructure was undertaken and reported to Council at its 23 June 2015 meeting (TAG 6). It was found that while there would be some impact to public infrastructure, there would be marginal impact on public infrastructure.

It is noted that the RU4 zones (located in Terrey Hills and Duffys Forest) currently have access to public infrastructure required to support residential development (e.g. parks, roads, public transportation and utilities). Any Secondary Dwellings would be able to take advantage of that same infrastructure.

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

Initial consultation with Sydney Water, Rural Fire Service and National Parks and Wildlife Service has been undertaken. This consultation has not revealed any issues that are required to be resolved prior to gateway determination. Further consultation with appropriate State and Commonwealth agencies will be undertaken in accordance with gateway determination.

Part 4: Community Consultation

Council will exhibit the Planning Proposal in accordance with the requirements of section 57 of the *Environmental Planning and Assessment Act (1979)*.

Council also proposes to undertake community consultation in accordance with Council's adopted Community Engagement Policy, in the following manner:

- Advertise the Planning Proposal in a local newspaper and on Council's website at the start of the exhibition period
- Exhibit the Planning Proposal for the period of time stipulated by the Gateway Determination.

Conclusion

The Planning Proposal has been written with consideration to the Department's *Guide to Preparing Planning Proposals*, *SEPP (Affordable Rental Housing)* and State and local strategies. It fulfils Council's commitment to allowing for a variety of housing choices that meet the needs of the community and complements local neighbourhoods and the Warringah lifestyle.

The Planning Proposal will amend controls in WLEP 2011 to allow Secondary Dwellings within the more rural areas of Terrey Hills and Duffys Forest. This change will allow for increased housing capacity and choice in those areas. By limiting the change to allow Secondary Dwellings within and attached to primary dwellings, development will be more sensitive to the local character and environment than detached Secondary Dwellings.

TAG 3
COUNCIL RESOLUTION
29 APRIL 2014

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

5.2 MAYORAL MINUTE NO 5/2014 - SECONDARY DWELLINGS IN TERREY HILLS AND DUFFYS FOREST

BACKGROUND

I have previously raised the critical issue regarding the lack of housing choice and affordability across our local government area. As the State Government has repeatedly failed to provide effective solutions, I am keen to see Council take the initiative to seek community feedback and develop the appropriate strategies to tackle this issue.

Council recently hosted two public forums during which valuable input was received from a wide range of stakeholders including residents, developers, local businesses and not for profit organisations. Unsurprisingly, the issue of affordability generated significant interest with feedback supporting the need for appropriate short and longer term actions.

It is obvious that a range of solutions must be examined in order to deal with such a complex issue. One option we should consider is to increase the availability of affordable accommodation through the provision of secondary dwellings, colloquially known as 'granny flats'. In doing this we can address the issue of providing opportunities for families and those wishing to downsize including those who wish to stay on their existing property and remain in the same community.

More specifically Council could consider, and in fact ease the State Government's restrictions on granny flats for strictly internal conversions only. It is my understanding that secondary dwellings are self-contained dwellings that may be attached to or detached from the principal home. They however cannot be subdivided from the principal home or sold off separately. They currently provide an alternate form of accommodation and are in most cases limited to 60 square metres in size. They are relatively cheap to build and can be rented out, or lived in by extended family or a friend.

The State Government's regulations only allow a max of 60 square metres which is a reasonable size single bedroom apartment. This is particularly important to maintain in relation to the external controls and the direct impact on their neighbour's amenity. Having said this though, I believe an opportunity exists to allow additional floor space on the proviso that it does not impact on the size of an existing building. For example, 75 square metres is equivalent to a good sized two bed unit and provides more floor plan options. It allows retiring couples to remain in their community and live independently and there is also the benefit of providing an income for pensioners and the obvious benefit that we can help in meeting the current housing demands.

I have included an extract from a neighbouring Council's planning documents that outlines a definition referred to as a 'Family Flat' which Warringah may wish to consider using as a starting point.

Family flat means a second dwelling built within the envelope of the original dwelling or attached at ground level to the original dwelling, where the development meets the provisions and objectives of a single dwelling-house (except density provisions), but:

- a) is not more than 75m² in gross floor area; and,*
- b) shall not be separately titled.*

The report should also address the possibility of such a proposal being classed as exempt development and or complying development. Council should also investigate whether a small contribution, similar to the current process for Section 94 contributions, could go towards the additional public facilities required of increasing the population pressures of such a policy. That contribution should not be prohibitive and provide flexible payment options to allow for low-income earners.

Secondary dwellings are already permitted through the State Government's Affordable Housing State Environmental Planning Policy legislation for residential areas in Warringah. However, they are not permitted in the RU4 rural zone which applies to large proportion of Terrey Hills and Duffys Forest. I have been approached by a number of residents from this area who are very supportive of this concept.

As a result, I am requesting that staff prepare a short report to be considered by Council regarding the appropriateness of Secondary Dwellings as outlined above and more specifically in relation to the RU4 land use zone.

5.2 MAYORAL MINUTE NO 5/2014 - SECONDARY DWELLINGS IN TERREY HILLS AND DUFFYS FOREST

427/14 RESOLVED

Cr Regan

That Council prepare a short report to:

- A. investigate the appropriateness of allowing Secondary Dwellings in the RU4 Primary Production Small Lots land use zone in Terrey Hills and Duffys Forest
- B. investigate the viability of allowing a second dwelling within an existing house in a residential zone up to 75m² where there is no external building expansion to dwelling.
- C. consider the option of such a proposal being classed as exempt development and or complying development under the WLEP
- D. investigate whether Council could charge a small contribution with flexible payment options to go towards the additional public facilities required of increasing the population pressures of such a policy

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

TAG 4
COUNCIL REPORT
25 NOVEMBER 2014

ITEM 8.12	RESPONSE TO MAYORAL MINUTE 5/2014 - SECONDARY DWELLINGS IN TERREY HILLS AND DUFFYS FOREST
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2014/295350
ATTACHMENTS	1 Mayoral Minute No 5/2014 - Secondary Dwellings in Terrey Hills and Duffys Forest

EXECUTIVE SUMMARY

PURPOSE

To report the findings of investigations following the adoption of Mayoral Minute 5/2014 – *Secondary Dwellings in Terrey Hills and Duffys Forest* at the Council meeting held on 29 April 2014.

SUMMARY

Mayoral Minute 5/2014 – *Secondary Dwellings in Terrey Hills and Duffys Forest* requested investigations and a short report in relation to the potential opportunities for increasing Secondary Dwellings in Warringah. This stemmed from concerns raised about the lack of housing choice and affordability across the area.

The matters requested for investigation relate to the potential for:

- allowing Secondary Dwellings in Terrey Hills and Duffys Forest,
- increasing the allowable size of Secondary Dwellings from 60 to 75sqm,
- classing Secondary Dwellings as Exempt and/or Complying Development; and
- imposing a small development contribution to cover the potential costs arising from the potential population growth.

In response, each of these matters has been investigated and the findings are now presented to Council in this report.

In summary, there are opportunities to support increased development of secondary dwellings as an affordable housing choice within Warringah.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Prepare a Planning Proposal to allow development of Secondary Dwellings of up to 75 square metres in R2 and R3 zones, if it is located within an existing dwelling house.

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- B. Forward the Proposal to the Department of Planning and Environment seeking Gateway Determination and upon Gateway Determination, publicly exhibit the Proposal.
 - C. Consult with the New South Wales Rural Fire Service, Sydney Water and New South Wales National Parks and Wildlife Service regarding their views about the potential environmental impacts associated with allowing Secondary Dwellings in RU4 zones within Duffys Forest and Terrey Hills.
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REPORT

BACKGROUND

At its meeting on 29 April 2014, Council resolved to prepare a short report to:

- A. *Investigate the appropriateness of allowing Secondary Dwellings in the RU4 Primary Production Small Lots land use zone in Terrey Hills and Duffys Forest*
- B. *Investigate the viability of allowing a second dwelling within an existing house in a residential zone up to 75m² where there is no external building expansion to dwelling.*
- C. *Consider the option of such a proposal being classed as exempt development and or complying development under the WLEP (Warringah Local Environmental Plan).*
- D. *Investigate whether Council could charge a small contribution with flexible payment options to go towards the additional public facilities required of increasing the population pressures of such a policy*

This report responds to the resolution.

What are Secondary Dwellings?

A Secondary Dwelling is a self-contained dwelling that is related to, and on the same lot as, a principal dwelling. In relation to the principal dwelling, a Secondary Dwelling may be:

- located within (separated by new internal walls)
- attached to the dwelling
- separate from (a new building or out-building conversion)

Planning controls relating to Secondary Dwellings are provided by *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP). These establish the standards development must meet in order to be classified as a Secondary Dwelling.

What are the current Secondary Dwelling controls in Warringah?

WLEP 2011 contains development standards for Secondary Dwellings with a maximum 60m², or 11% of the principal dwelling's floor area, whichever is higher. 60m² is typically the size of a single or small 2 bedroom residence.

Despite WLEP 2011 containing these mandatory development standards for Secondary Dwellings, they are not a permissible land use in Warringah under the plan. However SEPP (*Affordable Rental Housing*) provides the mechanism to permit Secondary Dwellings in residential zones (i.e. R1 – R5). This does not include RU4 zones. Key provisions of the SEPP include:

- Secondary Dwellings are complying development,
- A maximum size of 60m², or more, if Council permits a larger size.

RESPONSE TO MAYORAL MINUTE

- A. *Investigate the appropriateness of allowing Secondary Dwellings in the RU4 Primary Production Small Lots land use zone in Terrey Hills and Duffys Forest*

A desktop review of the RU4 zoned land in Terrey Hills and Duffys Forest has been undertaken in order to assess the appropriateness of this type of development in the zone. This investigation has considered the possible impacts on character, environment and Council services that Secondary Dwelling development may have on the area.

Currently, all RU4 zoned land is located in Terrey Hills and Duffys Forest. The objectives of this zoning in WLEP 2011 seek to 'enable primary industry' and that such land uses are 'low intensity'. While dwellings are permitted, the objectives also seek to 'maintain the rural and scenic character of the land.'

With approximately 300 dwellings in RU4 zone areas, an additional 300 Secondary Dwellings could be built if this change were made. This estimate assumes that no Secondary Dwellings currently exist, and no restraints exist on the lots. This could increase density to approximately 0.8 dwellings per hectare in RU4 zones. With an estimated occupancy of 1.8 people per dwelling, the change could increase the population by 540 people.

Given the area's semi-rural and bushland character, consideration needs to be given to the potential environmental impacts that Secondary Dwellings may present. These impacts relate to bushfire, onsite waste treatment systems, water supply and neighbouring National Parks. In order to investigate the impact of these issues, further consultation with the authorities such as Rural Fire Service, Sydney Water and National Parks and Wildlife Service is recommended before further consideration of this matter.

B. Investigate the viability of allowing a second dwelling within an existing house in a residential zone up to 75m² where there is no external building expansion to dwelling.

In response to this request, consideration has been given as to how to increase the possible size of Secondary Dwellings while minimising the effect to the surrounding area. An assessment has analysed the benefits and potential impacts of 75m² Secondary Dwellings, if built within an existing dwelling. The assessment has found that this change would be viable within Warringah for the following reasons:

- Larger Secondary Dwellings provide more flexible affordable housing layouts for downsizing seniors, young families and other demographics.
- 75m² would allow for comfortable 2 bedroom Secondary Dwellings to be built. 60m² requires compromises with living space to achieve this outcome.
- Limiting larger Secondary Dwellings to internal modifications would not affect the overall size of the principal dwelling.
- Impacts on the character of the dwelling would be less than if a detached Secondary Dwelling were constructed.

Clause 5.4 (9) of WLEP 2011's permits Secondary Dwellings to be 60m². In order to allow Secondary Dwellings of this type to be 75m² across residential zones in Warringah, Clause 5.4 (9) would require an amendment. Proposed wording for this amendment is included below as point (c):

5.4 (9) Secondary dwellings

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

(a) 60 square metres,

(b) 11% of the total floor area of the principal dwelling.

(c) 75 square metres, if the secondary dwelling is located within an existing dwelling house

In addition, Secondary Dwellings would need to be added to the Land Use Table under Zone R2 Low Density Residential and Zone R3 Medium Density Residential as 'Permitted with consent'. This would bring Clause 5.4 (9) into effect in these zones.

Considering the benefits to the provision of affordable housing, low impact, statutory feasibility, this change is viable and is recommended.

- C. *Consider the option of such a proposal being classed as exempt development and or complying development under the WLEP.*

Consideration has been given to the opportunities to class this type of development as Exempt or Complying development. The following is provided in response:

In relation to Exempt development:

It is not appropriate for Secondary Dwellings be classified as Exempt development. This is due to the level of building upgrade requirements triggered under the Building Code of Australia for this form of housing. These are technical matters relating to fire safety that need to be assessed by a qualified professional as a part of a Development Application or Complying Development Certificate. Exempt development does not provide this level of protection.

In relation to Complying development:

Secondary Dwellings are a form of complying development by virtue of Clause 23 (2) (h) of SEPP (Affordable Rental Housing). The SEPP states that:

(2) Development for the purposes of a secondary dwelling that is located entirely within an existing dwelling house is complying development if the development:

*(h) will not result in the floor area of the secondary dwelling being more than 60 square metres or, **if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, being more than that greater floor area.***

As previously detailed in response to Item B of the Mayoral Minute, it is recommended to amend WLEP 2011 to permit Secondary Dwellings in the R2 and R3 Residential Zones.

This satisfies Clause 23 (2) (h) and, in conjunction with the proposed amendments to clause 5.4 (9) *Secondary dwellings*, will have the effect of making Secondary dwellings up to 75 square metres within an existing dwelling house Complying Development under the WLEP 2011.

- D. *Investigate whether Council could charge a small contribution with flexible payment options to go towards the additional public facilities required of increasing the population pressures of such a policy*

Any systematic Development Contributions relating to Secondary Dwellings would need to satisfy the Environmental Planning and Assessment Act.

Council presently has a Section 94A Development Contributions system in place which charges a small contribution in most instances (as outlined below).

Council charges a levy on all development, including Secondary Dwellings that exceed \$100,000 in capital value. If the development exceeds \$100,000 a 0.5% levy is charged on the estimated capital value. If the development exceeds \$200,000 a 1.0% levy is charged on the estimated capital value. For example, a Secondary Dwelling with a value of \$120,000 would attract a contribution of \$600.

The ability to establish 'flexible payment options' is limited by the Act. Essentially, proponents need to pay their contribution before they commence construction. The administration cost of potentially collecting money at a later stage, for small amounts of typically \$500 to \$750, are likely to be significant and not recommended.

Consideration has been given to how other neighbouring council's approach contributions on Secondary Dwellings. Some are operating on a S94 system, others using S94A like Warringah. There are a range of approaches to levying contributions on Secondary Dwellings.

Consideration could be given to an alternate approach in future. It is noted that Council will be preparing a Local Planning Strategy in 2015. This will consider growth options for housing and jobs in Warringah. It is likely that any housing supply options recommended by the strategy will need to plan for the accompanying infrastructure provision. As part of this Council will need to consider the most effective means of raising funding, which may involve additional S94 plans or changes to the current S94A 'broad based' development levy approach.

It's recommended that if Council wishes to pursue consideration of charging a levy specific to Secondary Dwellings that this be undertaken as part of the wider body of work involved in delivery of the Local Planning Strategy.

In summary the current S94A system collects a small contribution for the development of Secondary Dwellings and therefore it is recommended to maintain the current approach for the time being.

CONSULTATION

Preliminary consultation with Council's Natural Environment Unit and NSW Department of Planning and Environment has been undertaken as part of these investigations. If Council resolves to prepare a Planning Proposal, additional statutory consultation would be undertaken. This would include consulting with government stakeholders and public exhibition of the Planning Proposal.

CONCLUSION

Council staff investigated the matters raised in Mayoral Minute 5/2014 – Secondary Dwellings in Terrey Hills and Duffys Forest. In response, the following is concluded:

- With regards to Item A, additional consultation with external agencies regarding potential impacts relating to the semi-rural nature of Terrey Hills and Duffys Forest is recommended.
- With regards to Item B, it would be viable to allow 75m² Secondary Dwellings, if the Secondary Dwelling is located within an existing dwelling house. This type of development would allow for more versatile affordable housing offerings in Warringah. A Planning Proposal is required to amend WLEP 2011 to allow this type of development.
- With regards to Item C, the proposed amendments to WLEP 2011 will make 75m² Secondary Dwellings that are in an existing house complying development; Exempt development would be inappropriate due to the need to satisfy building safety requirements.
- With regards to Item D, Council is already collecting a small contribution for secondary dwellings which is considered the appropriate approach.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil



ITEM 5.2

**MAYORAL MINUTE NO 5/2014 - SECONDARY DWELLINGS IN
TERREY HILLS AND DUFFYS FOREST**

TRIM FILE REF

2014/085879

ATTACHMENTS

NIL

Note: This Mayoral Minute was circulated in the supplementary agenda on 29 April 2014

BACKGROUND

I have previously raised the critical issue regarding the lack of housing choice and affordability across our local government area. As the State Government has repeatedly failed to provide effective solutions, I am keen to see Council take the initiative to seek community feedback and develop the appropriate strategies to tackle this issue.

Council recently hosted two public forums during which valuable input was received from a wide range of stakeholders including residents, developers, local businesses and not for profit organisations. Unsurprisingly, the issue of affordability generated significant interest with feedback supporting the need for appropriate short and longer term actions.

It is obvious that a range of solutions must be examined in order to deal with such a complex issue. One option we should consider is to increase the availability of affordable accommodation through the provision of secondary dwellings, colloquially known as 'granny flats'. In doing this we can address the issue of providing opportunities for families and those wishing to downsize including those who wish to stay on their existing property and remain in the same community.

More specifically Council could consider, and in fact ease the State Government's restrictions on granny flats for strictly internal conversions only. It is my understanding that secondary dwellings are self-contained dwellings that may be attached to or detached from the principal home. They however cannot be subdivided from the principal home or sold off separately. They currently provide an alternate form of accommodation and are in most cases limited to 60 square metres in size. They are relatively cheap to build and can be rented out, or lived in by extended family or a friend.

The State Government's regulations only allow a max of 60 square metres which is a reasonable size single bedroom apartment. This is particularly important to maintain in relation to the external controls and the direct impact on their neighbour's amenity. Having said this though, I believe an opportunity exists to allow additional floor space on the proviso that it does not impact on the size of an existing building. For example, 75 square metres is equivalent to a good sized two bed unit and provides more floor plan options. It allows retiring couples to remain in their community and live independently and there is also the benefit of providing an income for pensioners and the obvious benefit that we can help in meeting the current housing demands.

I have included an extract from a neighbouring Council's planning documents that outlines a definition referred to as a 'Family Flat' which Warringah may wish to consider using as a starting point.

Family flat means a second dwelling built within the envelope of the original dwelling or attached at ground level to the original dwelling, where the development meets the provisions and objectives of a single dwelling-house (except density provisions), but:

a) is not more than 75m² in gross floor area; and,

b) shall not be separately titled.

The report should also address the possibility of such a proposal being classed as exempt development and or complying development. Council should also investigate whether a small contribution, similar to the current process for Section 94 contributions, could go towards the



additional public facilities required of increasing the population pressures of such a policy. That contribution payment options should not be prohibitive and provide flexible payment options to allow for low-income earners.

Secondary dwellings are already permitted through the State Government's Affordable Housing State Environmental Planning Policy legislation for residential areas in Warringah. However, they are not permitted in the RU4 rural zone which applies to large proportion of Terrey Hills and Duffys Forest. I have been approached by a number of residents from this area who are very supportive of this concept.

As a result, I am requesting that staff prepare a short report to be considered by Council regarding the appropriateness of Secondary Dwellings as outlined above and more specifically in relation to the RU4 land use zone.

RECOMMENDATION

That Council prepare a short report to:

- A. investigate the appropriateness of allowing Secondary Dwellings in the RU4 Primary Production Small Lots land use zone in Terrey Hills and Duffys Forest
 - B. investigate the viability of allowing a second dwelling within an existing house in a residential zone up to 75m² where there is no external building expansion to dwelling.
 - C. consider the option of such a proposal being classed as exempt development and or complying development under the WLEP
 - D. investigate whether Council could charge a small contribution with flexible payment options to go towards the additional public facilities required of increasing the population pressures of such a policy
-

Michael Regan
MAYOR

TAG 5
COUNCIL RESOLUTION
25 NOVEMBER 2014

September 2014 be noted.

RESOLVED BY EXCEPTION

**8.9 DELEGATED AUTHORITY TO THE MAYOR – CHRISTMAS NEW YEAR RECESS
2014/2015**

626/14 RESOLVED

Cr Regan / Cr Menano-Pires

That, pursuant and subject to the limitations of Section 377 of the Local Government Act, authority is hereby granted to the Mayor to make such decisions and authorise work as provided by Policy GOV-PL125 - Decisions/ Delegations During Christmas/ New Year Recess during the 2014/2015 Christmas New Year recess being 17 December 2014 to 9 February 2015 inclusive.

RESOLVED BY EXCEPTION

8.10 REPORTING OF STRATEGIC REFERENCE GROUP MINUTES

627/14 RESOLVED

Cr Regan / Cr Menano-Pires

That Council note the draft minutes and notes of a meeting from the following meetings:

- A. A Connected Environment Strategic Reference Group: notes of a meeting held 14 October 2014.
- B. Vibrant Connected Communities Strategic Reference Group: draft minutes of meeting held 14 October 2014.
- C. ECOS Strategic Reference Group: draft minutes of meeting held 15 October 2014.
- D. Open Space and Recreation Strategic Reference Group: draft minutes of meeting held 15 October 2014.

RESOLVED BY EXCEPTION

**8.11 CREATION OF COMMUNITY COMMITTEES FOR AFFORDABLE HOUSING AND
ECONOMIC DEVELOPMENT**

628/14 RESOLVED

Cr Regan / Cr Menano-Pires

That Council adopt the charters for the Affordable Housing Community Committee and the Economic Development Community Committee.

RESOLVED BY EXCEPTION

**8.12 RESPONSE TO MAYORAL MINUTE 5/2014 - SECONDARY DWELLINGS IN TERREY
HILLS AND DUFFYS FOREST**

629/14 RESOLVED

Cr Regan / Cr Menano-Pires

That Council:

- A. Prepare a Planning Proposal to allow development of Secondary Dwellings of up to 75 square metres in R2 and R3 zones, if it is located within an existing dwelling house.
- B. Forward the Proposal to the Department of Planning and Environment seeking Gateway Determination and upon Gateway Determination, publicly exhibit the Proposal.
- C. Consult with the New South Wales Rural Fire Service, Sydney Water and New South Wales National Parks and Wildlife Service regarding their views about the potential environmental impacts associated with allowing Secondary Dwellings in RU4 zones within Duffys Forest and Terrey Hills.

RESOLVED BY EXCEPTION**8.13 RESPONSE TO MAYORAL MINUTE 11/2014 - PUBLIC SAFETY - STREET LIGHTING UPGRADES**

630/14 RESOLVED

Cr Regan / Cr Menano-Pires

That Council note the information provided in this report.

RESOLVED BY EXCEPTION**8.14 MINUTES OF THE DEE WHY SOUTH CATCHMENT FLOOD STUDY WORKING GROUP MEETING HELD 4 AUGUST 2014**

631/14 RESOLVED

Cr Regan / Cr Menano-Pires

That the Minutes of the Dee Why South Catchment Flood Study Working Group meeting held on 4 August 2014 be noted.

RESOLVED BY EXCEPTION**8.15 MINUTES OF THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE HELD 31 JULY 2014**

632/14 RESOLVED

Cr Regan / Cr Menano-Pires

That the Minutes of the Manly Lagoon Catchment Coordinating Committee meeting held on 31 July 2014 be noted.

RESOLVED BY EXCEPTION**8.16 MINUTES OF THE SYDNEY COASTAL COUNCILS GROUP MEETING HELD 13 SEPTEMBER 2014**

633/14 RESOLVED

TAG 6
COUNCIL REPORT
23 JUNE 2015

ITEM 8.5	SECONDARY DWELLINGS IN TERREY HILLS AND DUFFYS FOREST
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2015/145036
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To support the initiation of a Planning Proposal to allow internal or attached Secondary Dwellings in the RU4 – Primary Production Small Lot zone.

SUMMARY

On 25 November 2014, a report was presented to Council regarding the potential for allowing Secondary Dwellings in Terrey Hills and Duffys Forest. The report identified a number of possible impacts on the character and environment of the area, as well as on Council services. Council resolved to consult with the Rural Fire Service, Sydney Water and National Parks and Wildlife Service regarding the possible environmental impacts associated with the proposal.

Consultation with the agencies has been completed and no objections were raised regarding the proposal. However, the submissions noted that upgrades to infrastructure (e.g. roads and water supply) may be needed in the long term if the proposal is implemented. These possible impacts do not prevent Council from initiating a Planning Proposal. The impacts may be investigated in the post-Gateway period, in accordance with the Planning Proposal process.

FINANCIAL IMPACT

Post-Gateway activities (e.g. advertisement and additional reports) may result in costs to Council. These costs can be funded from the existing operational budget.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Prepare a planning proposal to allow development of internal and attached Secondary Dwellings in the RU4 – Primary Production Small Lot zone.
 - B. Forward the Planning Proposal to the Department of Planning and Environment seeking Gateway Determination.
-

REPORT

BACKGROUND

At its meeting on 29 April 2014, Council considered a Mayoral Minute regarding affordable housing and Secondary Dwellings. In response, Council resolved to prepare a short report to:

- A. *Investigate the appropriateness of allowing Secondary Dwellings in the RU4 Primary Production Small Lots land use zone in Terrey Hills and Duffys Forest*

At its meeting on 25 November 2014, a report was presented to Council with the findings of that investigation. In response, Council resolved to:

- C. *Consult with the New South Wales Rural Fire Service, Sydney Water and New South Wales National Parks and Wildlife Service regarding their views about the potential environmental impacts associated with allowing Secondary Dwellings in RU4 zones within Duffys Forest and Terrey Hills.*

This report responds to the resolution.

Feedback from NSW State Government Agencies

The Rural Fire Service, Sydney Water and National Parks and Wildlife Service (NPWS) were requested to comment on the proposal and were provided with the information previously reported to Council. Submissions were received from all three agencies. No objections were raised. However, the possible impacts of an increased population on infrastructure were noted. The results are summarised below:

Sydney Water

- Additional development may require water infrastructure upgrades
- Water supply needs will be reassessed if planning controls change in the area
- No wastewater infrastructure is available in the area, with no plans to supply in the future

Rural Fire Service

- Additional development may require either water infrastructure upgrades or on-site water tanks
- Recommendation for a traffic study focusing on evacuations be completed before planning controls change in the area

National Parks and Wildlife Service

- No specific concerns regarding the proposal
- Requests that existing controls regarding development next to NPWS land be enforced

Development Potential

A desktop review of the RU4 zoned land in Terrey Hills and Duffys Forest has been undertaken in order to assess the appropriateness of allowing Secondary Dwellings in the zone.

Currently, all RU4 zoned land is located in Terrey Hills and Duffys Forest. The objectives of this zoning in Warringah Local Environmental Plan 2011 (WLEP 2011) seek to 'enable primary industry' and that such land uses are 'low intensity'. While dwellings are permitted, the objectives also seek to 'maintain the rural and scenic character of the land.'

As of the 2011 Census, the suburbs of Terrey Hills and Duffys Forest contained 1,153 dwellings, with approximately 300 dwellings in RU4 zone areas. Based on this, approximately 300 Secondary Dwellings could theoretically be built, if the proposal was enacted. This estimate assumes that no Secondary Dwellings currently exist, and no restraints exist on the lots.

If the proposal has a 100% take up rate, the dwelling densities for Terrey Hills and Duffys Forest may increase from 0.16 dwellings to approximately 0.20 dwellings per hectare (25% increase). An estimated occupancy of 1.8 people per dwelling is anticipated, as per a 2003 Landcom study of Secondary Dwellings. Based on this finding, the change could increase the population by 540 people, from 3,421 to 3,961 (15.7% increase).

Assessment of Impacts

Impacts to costs, services and infrastructure related to the proposal have been identified. Overall, the potential impacts are not severe enough to rule out the preparation of a Planning Proposal.

NSW State Government Agency Considerations

The feedback from NSW Government agencies does not preclude Council from submitting a Planning Proposal for Gateway Determination. The Rural Fire Service and Sydney Water have both indicated that water supply infrastructure may be an issue. However, both agencies have indicated that this issue is not urgent and can be addressed as planning controls change.

The Rural Fire Service's concern regarding evacuation of the area in case of emergency and suggestion to undertake a targeted traffic study investigating this issue is acknowledged. The traffic study may be undertaken as part of a post-Gateway assessment. This approach aligns with the aims of the Department of Planning and Environment's (Department) *Guide to Preparing Planning Proposals*, the document outlining the Planning Proposal process.

With regard to concerns raised by the NPWS, it is recommended that the proposal be limited to Secondary Dwellings that are attached to or internally constructed with existing homes. Normally, Secondary Dwellings in Warringah may be built as detached structures. This type of development may lead to negative environmental impacts in terms of clearing land and runoff affecting NPWS land. However, attached and internal Secondary Dwellings are more likely to conform to the 'maintain the rural and scenic character of the land' objective of the RU4 zone land, with lower environmental impacts.

Council Considerations

From a Council perspective, the proposal is likely to result in a marginal net loss in terms of service supply and revenue. The additional population will increase demand for Council services in the area (e.g. parks, inspections, waste collection, etc.). Revenue generation will not completely offset additional costs, as fees do not cover the costs associated with the services and rates will not increase based on the proposal. Section 94A contributions are unlikely to generate significant revenue, as Secondary Dwelling construction is unlikely to breach the \$100,000 threshold required to levy contributions.

While the proposal could lead to a 15.7% increase in the population within the suburbs, the area is well supplied with recreation choice such as playgrounds and National Parks. Terrey Hills Community Centre services the local population suitably, and bus lines in the area connect the suburbs to other regional centres. Additional impacts to Council services and local infrastructure are likely to be low, spread over time and absorbed into standard patterns of growth.

Overall, the magnitude of the loss of Council service and revenue is expected to be low due to the limited scope of the proposal. The likely result is a limited take up over an extended period of time, based on the ability and desire for land owners to develop.

Next Steps

Council may prepare a Planning Proposal to allow internal/attached Secondary Dwellings to be constructed in RU4 – Primary Production Small Lot zones. Once prepared, the Planning Proposal will be delivered to the Department for Gateway Review. The output of this process is a Gateway Determination, which is delivered to Council. Gateway Determinations contain a number of conditions that must be met in order for a Planning Proposal to result in an amendment to WLEP 2011.

Upon receipt of the Gateway Determination, Council staff will undertake the conditions of the Gateway Determination. This would include further consultation with the community and relevant government agencies as well as investigations into potential impacts (e.g. a traffic report). The result of this process will be reported to Council, with a recommendation as to whether an amendment to WLEP 2011 should be pursued.

CONCLUSION

In response, the following is concluded:

- Allowing Secondary Dwellings in RU4 zones may allow for an additional 300 dwellings in Terrey Hills and Duffys Forest, housing 540 people
- It is recommended that the proposal be limited to internal and attached Secondary Dwellings to mitigate environmental impacts
- The proposal is likely to result in marginal additional costs for Council due to limited ability to generate revenue in relation to the proposal
- The proposal is likely to result in marginal impacts to local infrastructure and Council services due to the limited potential for additional population
- A Planning Proposal may be prepared and submitted to the Department for Gateway Review
- Further assessment of impacts relating to the proposal will be investigated upon receipt of a Gateway Determination

FINANCIAL IMPACT

Post-Gateway activities (e.g. advertisement and additional reports) may result in costs to Council. These costs can be funded from the existing operational budget.

POLICY IMPACT

Nil

TAG 7
COUNCIL RESOLUTION
23 JUNE 2015

8.2 GARAGE SALE TRAIL**117/15 RESOLVED*****Cr Gobert / Cr Kerr***

That Council not participate in the Garage Sale Trail and continue to run the Second Hand Saturday program.

RESOLVED BY EXCEPTION**8.4 ADOPTION OF WARRINGAH DEVELOPMENT CONTRIBUTIONS PLAN 2015****118/15 RESOLVED*****Cr Gobert / Cr Kerr***

That Council adopts the Warringah Development Contributions Plan 2015.

RESOLVED BY EXCEPTION**8.5 SECONDARY DWELLINGS IN TERREY HILLS AND DUFFYS FOREST****119/15 RESOLVED*****Cr Gobert / Cr Kerr***

That Council:

- A. Prepare a planning proposal to allow development of internal and attached Secondary Dwellings in the RU4 – Primary Production Small Lot zone.
- B. Forward the Planning Proposal to the Department of Planning and Environment seeking Gateway Determination.

RESOLVED BY EXCEPTION**8.6 PUBLIC EXHIBITION OF THE DRAFT WARRINGAH BUSH FIRE PRONE LAND MAP****120/15 RESOLVED*****Cr Gobert / Cr Kerr***

That Council place the draft Warringah Bush Fire Prone Land Map 2015 and supporting documentation on public exhibition for a period of at least 28 days.

RESOLVED BY EXCEPTION

TAG 8
DELEGATION EVALUATION
CRITERIA

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Warringah

Name of draft LEP:Warringah Local Environmental Plan 2011 (WLEP 2011)

Address of Land (if applicable):
All land zoned as RU4

Intent of draft LEP:

The objective of the Planning Proposal is to allow Secondary Dwellings with consent, if they are:

- Within an RU4 – Primary Production Small Lot and one of the following:
- Attached to a Principal Dwelling
- Within an existing dwelling house

The intended outcome of the Planning Proposal is that Secondary Dwellings will be developed in residential areas of RU4 zones, increasing housing availability and choice in those areas. The RU4 zones are located within the suburbs of Terrey Hills and Duffys Forest. This outcome is supported by the objectives of Council's Community Strategic Plan, A Plan for Growing Sydney (2014) and SEPP (Affordable Rental Housing), as described in Part 3.

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		X		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		X		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		X		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		X		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		X		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		X		
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		X		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	N			
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		X		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		X		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		X		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		X		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		X		

Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		X		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.

PROPOSED TIMELINE

TAG 9

‘Permitting Secondary Dwellings in RU4 - Primary Production Small Lots’

Planning Proposal Project Timeline

Task	Estimated Completion Time	Date
Submission of Planning Proposal to DP&E	N/A	26 October 2015
Anticipated Gateway determination	8 weeks	January 2015
Timeframe for government agency consultation	21 days (Pre-exhibition)	February 2016 (If required by Gateway)
Exhibition period	28 days	April 2016
Timeframe for consideration of submissions	14 days	April 2016
Submission report completed, Council report written.	21 days	May 2016
Council meeting		June 2016
Anticipated date RPA will make the plan	8 weeks (if delegated)	August 2016