

8.1. Endorsement of planning proposal to remove minimum site areas for certain residential development

This report seeks a resolution of Council to support a planning proposal to amend Clause 4.1A of *Bega Valley Local Environmental Plan 2013*, which relates to minimum site areas for certain residential development.

Director Community Environment and Planning

Officer's Recommendation

That Council

1. Supports a planning proposal (Attachment 1) to amend Clause 4.1A, which relates to minimum site areas for certain residential development, of *Bega Valley Local Environmental Plan 2013*.
2. Authorises Council officers to submit the planning proposal and supporting information to the Department of Planning, Industry and Environment requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
3. Authorises Council officers, subject to the conditions of the Gateway Determination and providing no substantial changes to the planning proposal are required, to progress the planning proposal to finalisation and gazettal without a further report to Council.

Executive Summary

Council officers have prepared a planning proposal that aims to update the *Bega Valley Local Environmental Plan 2013* (BVLEP 2013) by amending Clause 4.1A 'Minimum site areas for dwelling houses, dual occupancies, multi dwelling housing and residential flat buildings in certain zones'.

A review by Council staff found that the clause is a barrier to achieving the aims of the *Bega Valley Shire Residential Land Strategy 2040* to increase housing diversity and ensure the best use of available zoned and serviced land, and if amended could also streamline the development assessment and approval process for certain development.

Background

The *Bega Valley Shire Residential Land Strategy 2040* addresses the future need for housing and provides direction about how and where residential growth will occur to support the growing population, ageing community and changes in household structure through recommendations for amendments to Council's planning instruments and policies.

Clause 4.1A of BVLEP 2013 has been identified as a planning control that required review to ensure the desired outcomes and objectives of the *Bega Valley Shire Residential Land Strategy 2040* can be achieved.

The application of Clause 4.1A was found to restrict development types that are desirable in the Shire by mandating minimum site areas for dwelling houses, multi dwelling housing and residential flat buildings in urban residential, village and mixed use zones.

Clause 4.1A is considered to present unnecessary additional barrier to development of:

- Single dwellings on unsewered lots less than 2,000m² because appropriate installation and management of on-site sewage management systems could be determined through the standard development assessment process, and
- Mixed use, residential flat buildings and multi dwelling housing development by limiting yield on land with capacity for more intensive development.

Currently developers seeking to vary from the minimum site area provisions of Clause 4.1A are required to apply for a Clause 4.6 variation, which adds to the complexity, cost and time to the preparation, assessment and determination of development applications. These variations are supported where they align with the *Bega Valley Shire Residential Land Strategy 2040*, which aims to increase housing diversity and ensure the best use of available zoned and serviced land.

Removal of the minimum site area development standards in Clause 4.1A is unlikely to result in adverse amenity impacts for the community. Site density is controlled in the R2 and R3 zones through mapped floor space ratio standards. Various residential types are permitted in each of the four affected zones that are suited to the objectives of those zones. Existing development controls such as minimum landscaping requirements, view sharing considerations, overshadowing controls and similar provisions work to control amenity and character, which will continue to apply when new development is considered. Larger multi-unit developments are also required to meet the requirements of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65) and the associated *Apartment Design Guideline 2015*.

It is proposed to retain the parts of Clause 4.1A that relate to the minimum site area for dual occupancies in the R2 Low Density Residential and RU5 Village zones at this time. The impact of removing the current 550m² standard warrants further consideration in conjunction with delivery of other aspects of the *Bega Valley Shire Residential Land Strategy 2040*, which will be reported to Council at a later date.

Options

This report recommends that Council amend Clause 4.1A of BVLEP 2013 because it is a barrier to the efficient use of residential land and limits housing diversity. Council could choose not to amend the clause and developers could continue to use Clause 4.6 of BVLEP 2013 to support variations to the development standards it contains.

Community and Stakeholder Engagement

Engagement undertaken

No community consultation has yet been undertaken.

Engagement planned

The Gateway Determination will confirm community consultation requirements. It is likely that the planning 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 Local Environmental Plans*.

Council will engage with the local community and agencies as per the Gateway Determination and Council's *Community Engagement Strategy*. This will include notification on Council's website and by email to local development professionals.

Should agency or community feedback to the planning proposal be received, a further report will be prepared for Council outlining the submissions received and any changes to the planning proposal recommended in response to those submissions prior to resolving whether to proceed with amending BVLEP 2013.

In the event that no objections to the planning proposal are received from landowners and no changes are required to the planning proposal, it is recommended that Council resolve to authorise staff to proceed to finalise the proposed amendment to BVLEP 2013.

Financial and Resource Considerations

The processing of the planning proposal and its public exhibition have been undertaken as part of Council's regular work program and within the adopted 2020-21 budget.

Funding source	Amount
General Fund	\$ 500.00

Legal /Policy

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning, Industry and Environment's *A Guide to Preparing Planning Proposals* (December 2018).

Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

The planning proposal addresses the following goals in the *Bega Valley Community Strategic Plan 2040*:

- Goal 7: Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.
- Goal 8: Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.

The planning proposal addresses Goal 4 of the *South East and Tablelands Regional Plan 2036* to create environmentally sustainable housing choices and the following directions:

- Direction 24: Deliver greater housing supply and choice
- Direction 25: Focus housing growth in locations that maximise infrastructure and services
- Direction 27: Deliver more opportunities for affordable housing.

Environment and Climate Change

The planning proposal will help Council address the risks associated with climate change that relate to residential development and land use practices and minimises impacts of future residential development on the environment through supporting housing growth within existing zoned areas and increasing density in existing urban areas.

Economic

The planning proposal will help ensure there is a diversity of housing within the Shire's urban areas so that residential development supports continued growth and viability of existing commercial precincts. The provision of diverse and affordable housing options is also important in supporting the local workforce.

Risk

Implementation of this planning proposal will address the risk of existing housing stock not meeting the needs of our population and will enable future residential development while maintaining the existing character of towns and villages and rural landscapes.

Social / Cultural

Implementation of the planning proposal will increase the diversity of housing that will help to better meet our community's housing needs. Improving housing diversity, particularly smaller

dwelling and dwellings suited to older people and people with disabilities, will impact on the affordability of housing and improve opportunities for people to live closer to the goods and services they need.

Attachments

1. Clause 4.1A amendment planning proposal