



13.5 Planning Proposal - Development Standards for Dual Occupancy and Medium Density Development

Reference:	5901
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to enable Council to consider introducing minimum lot sizes for Dual Occupancy and Medium Density development into Wingecarribee Local Environmental Plan (WLEP) 2010.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** Council prepare a Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to introduce a minimum lot size of 1,000m² for dual occupancy development.
2. **THAT** the Planning Proposal be submitted to the Department of Planning and Environment for Gateway determination.

REPORT

BACKGROUND

Amendments to *State Environmental Planning Policy (Exempt & Complying Development Codes)* (Codes SEPP) to include Low Rise Medium Density Development came into effect on 6 July 2018. The new Codes SEPP provisions apply to Dual Occupancy (either side by side, or one above the other), Manor Houses and Terraces. Two (2) residential zones are affected: R2 Low Density Residential where Dual Occupancies are permitted with consent, and R3 Medium Density Residential where Dual Occupancies, Manor Houses and Terraces are permissible with consent.

In June 2018, Council wrote to the Department of Planning and Environment (the Department) requesting a deferral to the introduction of the Codes SEPP in the Wingecarribee LGA. Council was granted a 12 month deferral from the Codes SEPP in

order to update its planning framework to ensure that new development is in keeping with the expectations of Council and the community.

Development under the Codes SEPP does not require any application to Council, therefore it is important to ensure that any opportunity for Council to manage development outcomes needs to be considered. Apart from Heritage Conservation Areas or to individual properties identified as Items of Heritage in WLEP 2010, the Codes SEPP applies to both the R2 Low Density Residential and R3 Medium Density Residential zones both within existing towns and villages as well as in any future residential release area. The implications of each type of development are addressed in the body of the report.

REPORT

Dual Occupancy

Under the Codes SEPP, permissible Dual Occupancy can be either attached or detached and, if attached, can be side-by-side or stacked. The maximum height is two (2) storeys. The site must have a minimum frontage at the property line of 12 metres (for side-by-side development) or 15 metres for stacked development, and each dwelling must have a frontage to a public road. Therefore, under the Codes SEPP, no 'battle axe' Dual Occupancy can be constructed.

Under WLEP 2010, Dual Occupancy is permitted with consent in the R2 Low Density Residential zone as well as the R3 Medium Density Residential zone. Because a Dual Occupancy constructed under the Codes SEPP is capable of either Strata or Torrens subdivision, Council wants to be certain that such development does not detrimentally impact on the prevailing residential amenity of a locality, or set an inappropriate standard of development in any new residential area.

The minimum lot size for a Dual Occupancy development under the Codes SEPP is 400m² or the minimum lot size specified in a Council's Local Environmental Plan, whichever is the greater. It is noted that, currently, under the Development Control Plan (DCP) provisions, construction of a Dual Occupancy is not permitted on a lot less than 1,000m² in area.

To maintain consistency with this current standard, it is recommended that a clause be inserted into WLEP 2010 to set the minimum lot size for Dual Occupancy development at 1,000m². This will maintain the existing standards outlined in Council's DCPs, however, as part of the preparation of a Local Housing Strategy, Council will further consider the appropriateness of a standard lot size in all localities. It may be more appropriate to set different lot sizes in different localities to maintain character and/or meet Council's housing objectives.

It is noted that a lot must be at least 120% of the minimum lot size in order for a Dual Occupancy to be Torrens title subdivided under the Codes SEPP. A minimum lot size of 1,000m² would therefore require a site with an area no less than 1,200m², to create two 600m² lots. A Strata subdivision would result in individual lot sizes of 500m².

Manor Houses

Manor Houses are a form of residential flat building and are, therefore, permitted with consent in the R3 Medium Density Residential zone only. A Manor House is a single building containing up to 4 dwellings in a 'two up, two down' arrangement. A Manor House may be constructed under the Codes SEPP on a lot of at least 600m². Council do not have the ability to set a higher minimum lot size through our LEP provisions.

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While the Manor House style of development may be well suited in some areas within the Shire, of particular concern are the parking provisions which require only one (1) parking space per unit. This will likely result in an increase in resident and visitor parking within road reserves in the R3 Medium Density zoned areas.

Terraces

Terraces are a form of multi-dwelling housing and are, therefore, permitted with consent in the R3 Medium Density Residential zone only. Terraces comprise 3 or more dwellings and each must have a frontage to a public road.

The minimum lot size for a Terrace development under the Codes SEPP is 600m² or the minimum lot size specified for Multi Dwelling Housing in Council's LEP, whichever is the greater.

The Codes SEPP allows for both the Strata and Torrens Title subdivision of terraces where the resulting minimum lot size is 180m² for Strata subdivision and 200m² for Torrens Title subdivision with a minimum frontage of 6m. It is important to note that this minimum lot size applies only to terraces that have been approved as complying development under the Codes SEPP. It does not apply to existing development or development that is approved under a Development Application (DA).

Where Council sets a minimum lot size for Multi Dwelling Housing in the LEP, all terraces under the Codes SEPP as well as any future DA for Multi Dwelling Housing will need to meet the minimum lot size requirements. Currently, Council does not set a minimum lot size for Multi Dwelling Housing in either the LEP or DCP, and introducing a minimum lot size would potentially limit medium density infill development in planned medium density areas; and limit our ability to meet our housing needs.

Council staff and the Demographics and Housing Committee have assessed the merits of introducing a minimum lot size for Multi Dwelling Housing, and it is not recommended to be included in our LEP.

On-site parking

Car parking is a particular concern with all forms of medium density development under the Codes SEPP which specifies a minimum of only one car space per dwelling. Access to public transport sufficient to meet the needs of a working household is generally limited.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no impacts on Council's Fit for the Future resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement has occurred at this stage but would be done in accordance with the Gateway Determination should Council resolve to proceed with a Planning Proposal and should a Gateway Determination be issued.

Internal Communication and Consultation

No internal consultation has occurred at this stage but would occur as part of the progressing of any Planning Proposal resulting from this report.



External Communication and Consultation

External referrals would occur as required under the Gateway Determination should Council resolve to proceed with a Planning Proposal and should a Gateway Determination be issued.

SUSTAINABILITY ASSESSMENT

- **Environment**

The introduction of low rise medium density development into the Codes SEPP could have a significant impact on the built and natural environments of the Shire unless Council addresses potential concerns through amended statutory controls. The recommendations in this report seek to do this.

- **Social**

The housing options identified in the low rise medium density development component of the Codes SEPP can provide opportunities for a broader range of housing choice, but could also result in loss of residential amenity if suitable controls are not developed and implemented.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Should Council resolve to proceed with a Planning Proposal to amend WLEP 2010 to introduce standards designed to manage potential residential development arising from the Codes SEPP provisions, it would be processed in accordance with relevant legislation and Departmental guidelines.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no other Council related policies associated with this report.

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OPTIONS

The options available to Council are:

Option 1

Adopt the recommendation outlined in this report. This will allow Council to maintain the current minimum lot size for dual occupancies throughout the Shire and ensure that new development is in keeping with the expectations of Council and the community.

Option 2

Not adopt the recommendation outlined in this report. If Council does not introduce a minimum lot size for dual occupancy development, the minimum lot size specified in the Codes SEPP (400m²) will come into force on 1 July 2019.

Option No. 1 is the recommended option to this report.

CONCLUSION

Development under the Codes SEPP does not require any application to Council therefore it is important to ensure that any opportunity for Council to manage development outcomes needs to be considered. It is recommended that Council amend WLEP 2010 to maintain the current minimum lot size for dual occupancies throughout the Shire and ensure that new development is in keeping with the expectations of Council and the community.

ATTACHMENTS

There are no attachments to this report.