

8.4 Planning Proposal and DCP Amendments - Dual Occupancy in R2 Low Density Zone, Wollongbar

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Section Strategic Planning

Objective To invite Council to initiate a Planning Proposal and associated Development Control Plan amendments to enable attached dual occupancy residential development on various properties in the R2 Zone in Wollongbar.

Background

Council adopted the Wollongbar Strategic Plan 2019-2039 at the 28 May 2019 Ordinary meeting.

The actions in the Strategy reflect the community's vision for the future development of Wollongbar.

One of the key locality objectives of the Plan is '*ensuring that Wollongbar continues to grow so as to facilitate well-planned housing choice and employment opportunities*'.

Within this objective, Strategic Action No. 6 is '*Initiate a planning proposal to permit attached dual occupancy development within the established (outside of WUEA) R2 Low Density Residential zone upon lots having a minimum area of 900m² and slope of 20% or less*'.

Attached dual occupancy development can increase housing diversity and choice within established areas of Wollongbar.

This concept was endorsed through the adoption of the Wollongbar Strategic Plan.

This report seeks Council's authorisation to initiate a planning proposal that would amend Ballina Local Environmental Plan 2012 to implement Strategic Action No. 6.

The planning proposal will permit the erection of attached dual occupancy development on lots in Wollongbar that are zoned R2 Low Density Residential, where the lot has an area of 900m² or more and a slope of less 20% or less.

A suite of DCP amendments to support the change are also proposed.

Key Issues

- Implementing the Wollongbar Strategic Plan 2019-2039
- Housing choice
- Strata subdivision of approved dual occupancy

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Discussion

Wollongbar Dual Occupancy

The proposed planning amendments relate to land at Wollongbar that is zoned R2 Low Density Residential, which is shown in light pink in Figure 1.

The proposed amendments are based on Strategic Action No. 6 of the Wollongbar Strategic Plan 2039, which is:

'Initiate a planning proposal to permit attached dual occupancy development within the established (outside of WUEA) R2 Low Density Residential zone upon lots having a minimum area of 900m² and slope of 20% or less'.

Within the R2 area there are 153 lots which have an area of 900m² or more and a slope of 20% or less; shown highlighted in Figure 2.

Figure 1 Wollongbar Zoning

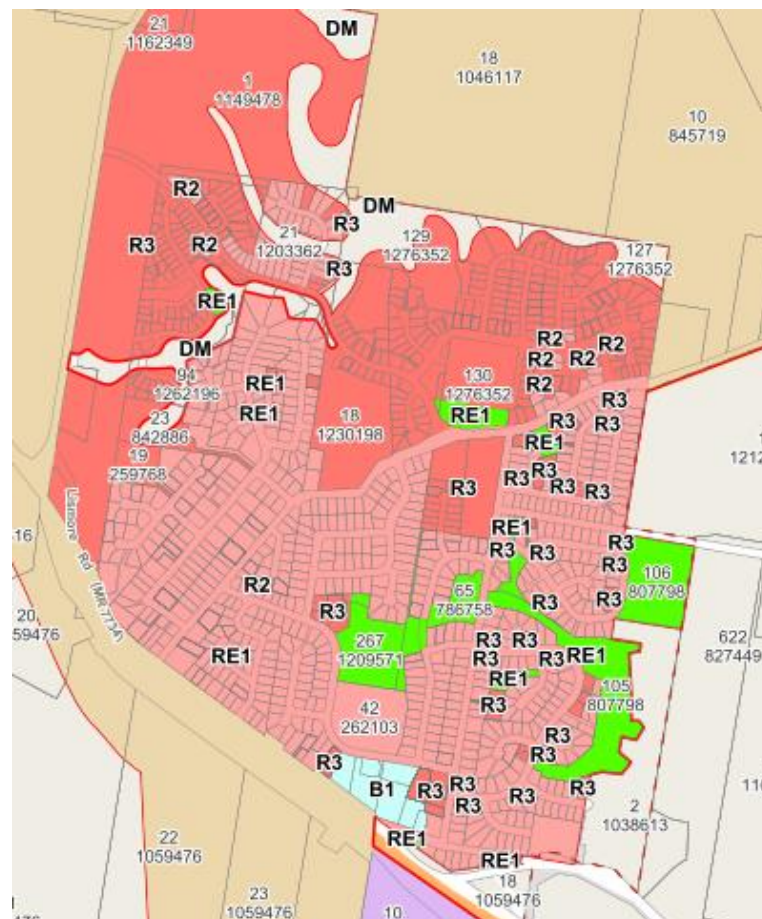
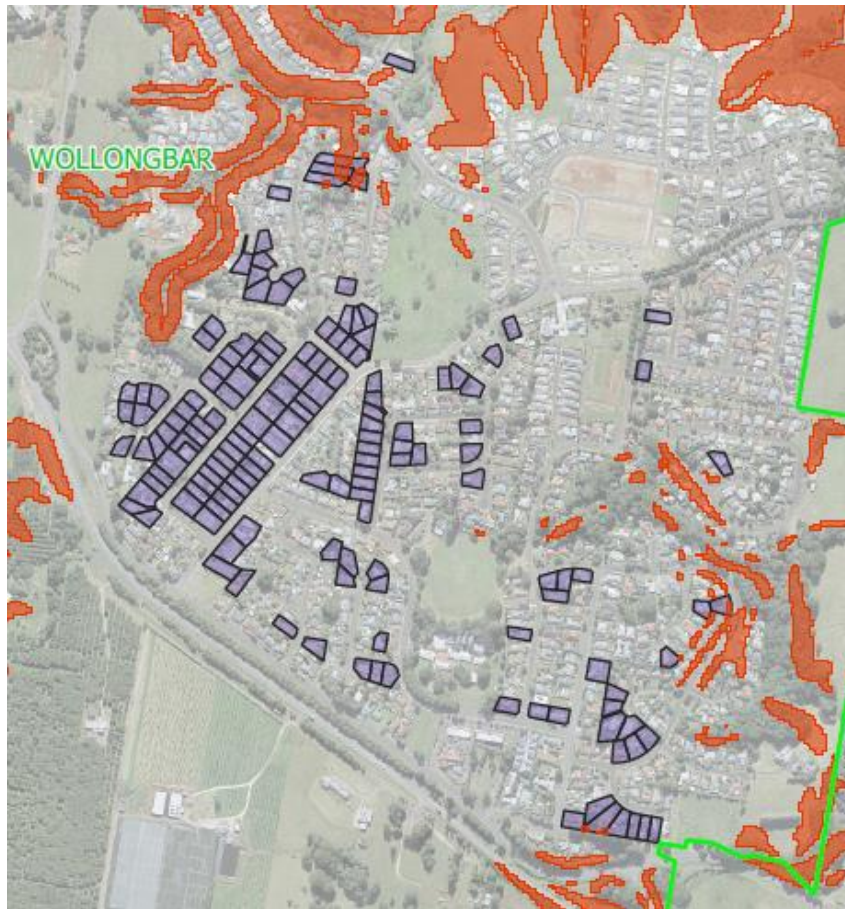


Figure 2 Lots zoned R2 with 900m² or more



Schedule 1 of BLEP 2012 specifies additional permitted uses. Item 8 within the Schedule was previously added to permit attached dual occupancy on certain lots in the R2 zone in Alstonville. It states:

8. Use of certain land at Alstonville

- (1) *This clause applies to land at Alstonville identified as “Area L” on the Additional Permitted Uses Map, being—*
 - (a) *a lot that has an area of at least 900m², and*
 - (b) *located within Zone R2 Low Density Residential.*
- (2) *Development for the purpose of dual occupancy (attached) is permitted with development consent.*

This item was inserted into the LEP following adoption of the Alstonville Strategic Plan 2037.

Implementation of Action 6 of the Wollongbar Strategic Plan 2039 can be achieved by the following minor amendment to this item (additions shown in red underlined text):

8. Use of certain land at Alstonville and Wollongbar

- (1) *This clause applies to land at Alstonville identified as “Area L” on the Additional Permitted Uses Map, and land at Wollongbar identified as “Area N” on the Additional Permitted Uses Map, being—*
 - (a) *a lot that has an area of at least 900m², and*
 - (b) *located within Zone R2 Low Density Residential.*
- (2) *Development for the purpose of dual occupancy (attached) is permitted with development consent.*

Additional Permitted Uses Map Sheet APU_001B would be amended to show the R2 zoned land in Wollongbar as “Area N”.

The effect of this amendment would be to allow landowners of the affected lots to apply for development consent for attached dual occupancy development on their lots.

Scoping Proposal

Given that this would be a Council-initiated planning proposal, recent changes introduced by the Department of Planning and Environment (DPE) require that a Scoping Proposal be prepared and submitted as a first step in the LEP amendment process.

A draft Scoping Proposal is contained in Attachment 1 to this report.

After lodgment of the Scoping Proposal, DPE will arrange a Scoping Meeting to discuss the proposal.

In this case, the Scoping Meeting should be very straightforward, aimed at confirming that the amendments proposed provide the most efficient way to implement the strategic action from the Wollongbar Strategic Plan.

Once DPE provide written notes of the Scoping Meeting, a planning proposal can be finalised and submitted for Gateway determination.

DCP Amendments

Various Chapters of the Ballina Development Control Plan (DCP) 2012 contain controls relating to attached dual occupancy development in Alstonville and Wardell. The relevant sections of the DCP will be amended to include Wollongbar, providing density, built form and design controls for such development.

A note will be added specifying that attached dual occupancy development in Wollongbar will only be considered on lots which have a slope of 20% or less.

Draft updates to the DCP are contained in Attachment 2.

Strata Subdivision in Zone R2

The strata subdivision of approved dual occupancy is permissible with development consent in all land use zones under Ballina LEP 2012.

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Clause 4.1B of the LEP specifies that, in a number of zones including R2 Low Density Residential, the size of any lot created by way of a strata subdivision must be no less than the minimum lot size specified in the LEP for that locality.

Across most of the R2 zoned land in the Shire, the minimum lot size is 600m².

This means, therefore, that the strata subdivision of an approved dual occupancy development could only be approved where each strata lot will have an area of 600m².

In practical terms, therefore, dual occupancy on land zoned R2 Low Density residential can only be “strata’d” where it is built on a lot that has at least 1,200m² in area.

There are very few, if any, lots of this size in the R2 zone within Wollongbar (or Alstonville or Wardell – i.e. where dual occupancy is permitted).

The inability to subdivide an approved dual occupancy may be acting as a deterrent to the take up of this “soft” increase in density.

In Alstonville, for example, where attached dual occupancy is permissible with consent in the R2 zone on lots of 900m² or greater, there has only been one application for such development in the last 12 months.

Amending clause 4.1B of the LEP to remove reference to the R2 Low Density Residential Zone could remove this deterrent, by allowing the strata subdivision of an approved dual occupancy without the need to comply with a minimum lot size.

It would be important, however, to ensure that the resulting number and scale of dual occupancy developments do not significantly impact on the character of the towns and lead to unintended amenity impacts.

There will need to be an appropriate balance between facilitating and promoting increased housing density and maintaining character. Appropriate built form controls will be important.

It is considered, therefore, that allowing the subdivision of dual occupancies in the R2 zone should be examined strategically, as part of the current work being undertaken for the upcoming Housing Strategy.

This approach was discussed as part of the Councillor briefing held on 30 January 2023.

In this way, Council can make informed choices about housing densities in existing low density residential areas.

Delivery Program Strategy / Operational Plan Activity

The proposed LEP amendment is directly consistent with *HE3.1 Implement plans that balance the built environment with the natural environment*, specifically *HE3.1b Implement Wollongbar Strategic Plan*.

Community Consultation Policy

A planning proposal would be publicly exhibited in accordance with the requirements of a Gateway Determination and in accordance with Council's Community Participation Plan.

Financial / Risk Considerations

The planning proposal can be prepared and processed using existing staff resources.

Options

Option 1 – Prepare a Scoping Proposal and subsequent Planning Proposal

This is the preferred option. The amendments proposed will implement an action from Council's adopted Wollongbar Strategic Plan 2039. This plan was endorsed following rigorous community engagement.

The amendments to BLEP 2012 and DCP 2012 aim to increase housing diversity and choice within Wollongbar in a manner that will have a relatively low impact on the character of the town.

If the planning proposal is progressed, it is recommended that Council seeks to progress the matter under its delegated plan making functions.

Option 2 – Decline to proceed with the recommended amendments

As indicated above, the amendments implement an action from an endorsed strategic plan. In adopting the Wollongbar Strategic Plan 2039, Council reflected the community's vision for the future of their town.

Not implementing the recommended options will limit housing diversity and choice in established areas of Wollongbar, therefore this option is not recommended.

Option 3 – Defer consideration of the matter

Council could defer consideration of this matter to receive additional information.

Council recently received a briefing on this matter on 30 January 2023, which provided an opportunity for discussion and consideration of the proposed amendments. This option is not recommended for this reason and other reasons presented in Option 1.

RECOMMENDATIONS

1. That Council endorses the Wollongbar Attached Dual Occupancy Scoping Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning and Environment.

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2. That, subject to a Scoping Meeting confirming the nature and scope of proposed amendments, Council endorses the preparation of a Planning Proposal consistent with the scoping proposal for submission to the Department of Planning and Environment for a Gateway determination.
3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
4. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
5. That draft amendments to Ballina DCP 2012, Section 3.3 of Chapter 4, as contained in Attachment 2, be exhibited concurrently with the planning proposal.
6. That the planning proposal and draft DCP amendments be reported to Council for further consideration following completion of the public exhibition process.

Attachment(s)

1. BSCPP 22 010 - Wollongbar Dual Occupancy Scoping Proposal
2. BSCPP 22 010 - Draft DCP Amendments - Wollongbar Dual Occupancy

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230223/1 Resolved

(Cr Stephen McCarthy/Cr Jeff Johnson)

1. That Council endorses the Wollongbar Attached Dual Occupancy Scoping Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning and Environment.
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3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
4. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
5. That draft amendments to Ballina DCP 2012, Section 3.3 of Chapter 4, as contained in Attachment 2, be exhibited concurrently with the planning proposal.
6. That the planning proposal and draft DCP amendments be reported to Council for further consideration following completion of the public exhibition process.

FOR VOTE - All Councillors voted unanimously.

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ABSENT. DID NOT VOTE - Cr Nigel Buchanan and Cr Eva Ramsey