



Strategy Development - Rural Area Dual Occupancy and Secondary Dwellings





Background

On 24 March 2016 the Council resolved [Minute No. 240316/16]:

That Council receive a report concerning secondary dwellings in rural zones.

On 23 March 2017 the Council resolved as follows [Minute No:230317/1]:

That Council further investigate a change to planning policy in relation to dwellings on rural land (specifically detached dual occupancy and secondary dwellings).



What do we want to permit

Options

1. Permit secondary dwellings (small dwellings attached or detached - total floor area limit of 60m² or 50% of the principal dwelling).
2. Permit dual occupancy development (attached and detached).
3. Permit secondary dwellings and dual occupancy.

Recommendation

Permit dual occupancy development (attached and detached). Do not permit secondary dwellings.

Reasons

Already permitted as a dual occupancy overcomes contribution waiver issue





Why do we want to permit it?

Reasons (Need this for planning proposal documentation)

1. Removes anomaly (Attached dual occupancy, tourist and visitor accommodation and studios already permitted).
2. Provides additional housing choice.
3. Provides a potential affordable housing option.
4. Assists farm succession planning.
5. Potentially frees up enforcement resources.
6. Provides a source of farm income (rental housing).
7. Other?



Where do we want to permit it?

Options

1. RU1 Primary Production and RU2 Rural Landscape zones.
2. RU1 only, or RU2 only?
3. E2 Environmental Conservation zone?
4. Certain lot sizes eg lots less than certain size or all lots with building entitlements?
5. Exclude State or Regionally significant agricultural land?

Recommendation:

Permit it on all land zoned RU1 or RU2 where a dwelling house is permitted under provisions of Ballina LEP 2012.



Limiting proposal to existing buildings

Department of Planning and
Environment - Officer
Comments

- Difficult to determine what constitutes an existing building suitable for conversion.
- May result in additional unauthorised building work and then a conversion request.
- Raises issues of equity - difficult to justify applying it to buildings that may have been converted without approval but not new purpose built buildings.
- May pose legal drafting difficulties for Parliamentary Counsel.
- No knowledge that this approach has been tried elsewhere before.
- Would be better to use Schedule 1 – Additional permitted uses on a case by case basis



LEP Controls (Lismore)

- (2) *Development consent must not be granted to development for the purpose of a dual occupancy (detached) on land in Zone RU1 Primary Production unless the consent authority is satisfied that:*
- (a) *the development will not impair the use of the land for agriculture or rural industries, and*
 - (b) *each dwelling will use the same vehicular access to and from a public road, and*
 - (c) *each dwelling will be situated within 100 metres of each other, and*
 - (d) *the land is physically suitable for the development, and*
 - (e) *the land is capable of accommodating the on-site disposal and management of sewage for the development, and*
 - (f) *the development will not have an adverse impact on the scenic amenity or character of the rural environment.*



Possible LEP Controls (Ballina)

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

- (a) the development will not impair the use of the land **or adjoining land** for agriculture or rural industries, and*
- (b) each dwelling will use the same vehicular access to and from a public road, and*
- (d) the land is physically suitable for the development, and*
- (e) the land is capable of accommodating the on-site disposal and management of sewage for the development.*

Do not include controls relating to maximum distance between dwellings, scenic amenity and character.

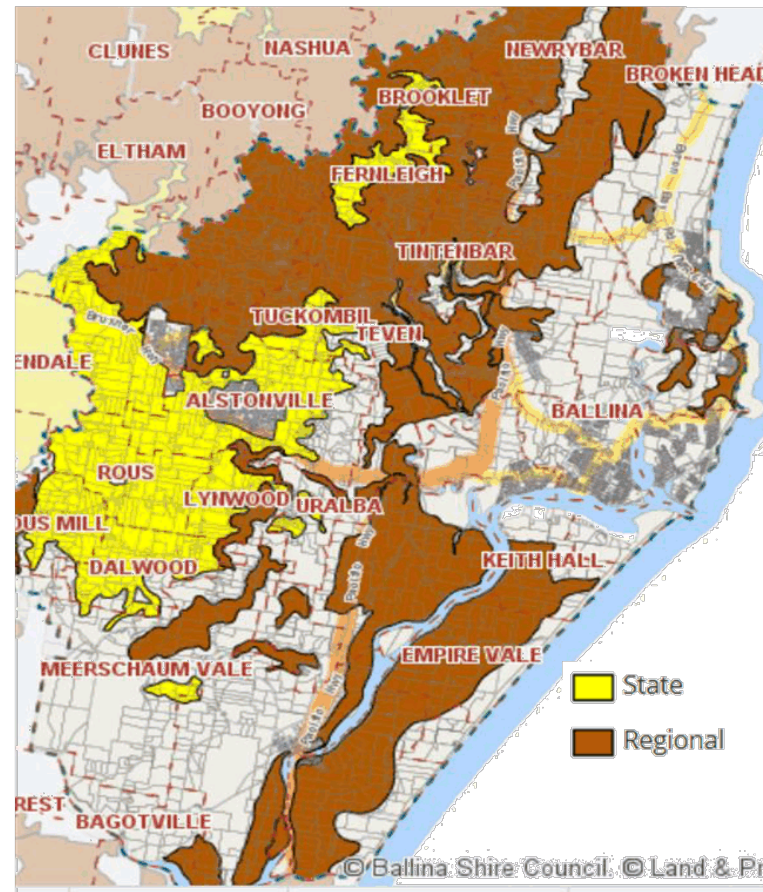


Consultation Strategy

1. Write to rural area hall committees for views and to publicise.
 2. Place posters and flyers at rural area post offices (Tintenbar and Wardell, Empire Vale, Alstonville, notice on Ferry).
 3. Email contacts from 2014 Rural Settlement Character Statement project.
 4. Facebook posts
 5. Council web site
 6. Notice in Ballina Advocate
 7. Ward Committee Information item
 8. Community Connect (Rural Area Insert for September Issue)
 9. Paradise FM – GM Briefings or KK?
- [not included letters to owners (\$6000) or telephone survey (\$15 – 20,000)].



Significant Farmland





Existing Side Boundary Setback Controls

(DCP 2012 Chapter 7 Rural Living and Activity)

Table 7.2 - Minimum Setbacks - Rural Land General	
Location	Setback
Front Boundary	20m from a sealed road. 50m from an unsealed road (applies only to uses which are likely to be adversely impacted by dust nuisance such as dwellings and visitor accommodation). 28m from Pacific Highway and Bruxner Highway.
Side Boundary	10m
Secondary Frontage Setback	10m
Water and Sewer Mains	Refer to Policy for Building over Council Assets



Existing Side Boundary Setback Controls

(DCP 2012 Chapter 2 General and Environmental Considerations)

Table 2.1 Minimum buffer distances for specified land uses			
Land Use	Urban residential areas	Dwelling-house, Dual occupancy or Rural workers dwelling	Rural tourist facilities
<i>Agricultural produce industry (including macadamia de-husking)</i>	300 m	150 m	300 m
<i>Animal boarding or training establishment</i>	500m	150m	500m
Dairying infrastructure (incl. buildings containing operational plant, machinery and associated yards)	500m	150m	250m
Dip sites	200m	150m	200m
<i>Extractive industry or mining¹</i>	500m 1000m	500m 1000m	500m 1000m
<i>Hazardous or offensive industry</i>	1000m	150m	1000m
<i>Heliport</i>	1000m	150m	1000m
High voltage power lines	20m	20m	20m
<i>Intensive livestock agriculture</i>	1000m	150m	500m
Intensive livestock operations (other than <i>intensive livestock agriculture</i>)	500m	150m	300m
<i>Intensive plant agriculture</i>	300m	150m	200m
<i>Livestock processing industry</i>	1000m	150m	1000m
<i>Sawmill</i>	1000m	150m	500m
<i>Sewerage systems (excluding sewerage reticulation systems)</i>	400m	150m	400m
<i>Stock and sale yard</i>	300m	150m	300m
<i>Waste or resource management facility</i>	300m	150m	300m

¹ Extractive Industry or Mining - The larger minimum distance is required when blasting is involved.



Existing Side Boundary Setback Controls

On Site Sewerage Management Strategy (2008)

System	Recommended Buffer Distances
All land application systems	<ul style="list-style-type: none"> • 100 meters to permanent surface waters (eg rivers, streams, lakes etc) • 250 meters to domestic groundwater well • 40 meters to other waters (eg farm dams, intermittent waterways and drainage channels etc)
Surface spray irrigation (not permitted in BSC for new/upgrade installations)	<ul style="list-style-type: none"> • 6 meters if area up-gradient and 3 meters if area down-gradient of driveways and property boundaries • 15 meter dwellings • 3 meters to paths and walkways • 6 meters to swimming pools
Surface drip and trickle irrigation (not permitted in BSC for new/upgrade installations)	<ul style="list-style-type: none"> • 6 meters if area up-gradient and 3 meters if area down gradient of swimming pools, property boundaries, driveways and buildings
Subsurface irrigation	<ul style="list-style-type: none"> • 6 meters if area up-gradient and 3 meters if area down-gradient of swimming pools, property boundaries, driveways and buildings
Absorption system	<ul style="list-style-type: none"> • 12 meters if area up-gradient and 6 meters if area down-gradient of property boundary • 6 meters if area up-gradient and 3 meters down-gradient of swimming pools, driveways and buildings.