

ATTACHMENT 2

Housing Affordability and Diversity in Rural Zones

This attachment seeks to address concerns raised regarding 'Item 8' of the proposed DCP amendment and its impact on housing affordability and diversity in rural zones. These concerns were raised in a number of submissions received during the public exhibition period and were generally the result of a misinterpretation of the existing DCP controls (see Council Report for staff response to submissions).

Item 8 proposes the following:

Item 8	Chapter D2 Residential Accommodation and Ancillary Development in Rural Zones	<u>Reason for Proposed Amendment:</u> <ul style="list-style-type: none"> • To ensure that the character and amenity of the Shire's rural zones does not become compromised by over development. • To ensure that planning controls applicable to rural zones seek to achieve a scale of residential development that is consistent with the objectives of the zone.
	D2.2.3 Character & Visual Impact D2.3.3 Expanded House (rural) D2.7.1 Studios (rural)	<u>Description of Proposed Amendment:</u> <ul style="list-style-type: none"> • Introduction of planning controls that seek to limit the total number of residential buildings to six (6) per rural property. This would enable a rural property to potentially accommodate an expanded house (comprised of four buildings), a secondary dwelling (comprised of a single building) and a rural studio (single building). It should be noted that this prescriptive measure would not apply to multiple occupancy and community title development, rural workers dwellings, farm buildings, sheds and other structures meant for rural activities. • Where more than six (6) residential buildings are proposed, the controls would require applicants to demonstrate that there is a need for more than six (6) buildings and that the rural character and rural environment will not be adversely affected by over development. • Typographical change to rural 'Expanded House' controls to clearly specify that an expanded house is to be comprised of a main building and a maximum of three outbuildings. • Amendment to rural 'Studios' controls to specify that studios are limited to one per property, or in the case of multiple occupancy and community title development, one per dwelling. (Note: This proposed amendment is consistent with the existing provisions of Byron DCP 2010).

Dwellings in Rural Zones

As a rule of thumb, it should be understood that the existing Byron LEP 2014 controls allow for a maximum of two dwellings on a rural property (excluding rural workers dwellings). These two dwellings may take the form of a dual occupancy (attached or detached), or take the form of a principle dwelling and a secondary dwelling. Although similar, dual occupancies and secondary dwellings are subject to different minimum lot size and floor space ratio requirements under Byron LEP 2014.

The proposed DCP amendment does not seek to change the number of dwellings permissible on a rural property. Rather, the proposed controls seek to manage the number of buildings on a rural property. This is because higher numbers of buildings generally result in a greater development footprint and a greater impact on the rural environment and rural character of the land.

At present, eight (8) residential buildings and two (2) studios are permissible on a rural property with a dwelling entitlement - regardless of lot size. If not appropriately managed through DCP provisions, this scale of development may lead to over development of the land. However, it should be noted that the proposed DCP controls are flexible and respond to the unique characteristics of each property by allowing for more than six (6) buildings where it can be demonstrated that there is a need for more than six (6) buildings and that the rural character and rural environment will not be adversely affected by over development.

The two permissible forms of development that can lead to higher numbers of buildings on a rural property are 'expanded houses' and 'rural studios'.

Expanded Houses

An 'expanded house' is a novel form of dwelling design that creates a sense of space and privacy while still remaining as a single dwelling. Under existing DCP controls, an expanded house consists of a main building with a maximum of three outbuildings connected by paths to the main building. A basic floor plan is illustrated below in Figure 2. The outbuildings (in this case bedrooms) are not permitted by existing DCP controls to be self contained. Rather, the expanded house functions as a single dwelling.

Figure 1:
Typical 'Contained' House (1 building)

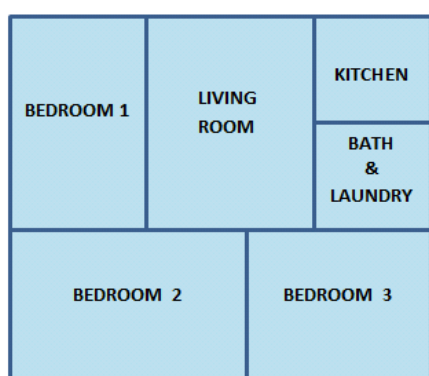
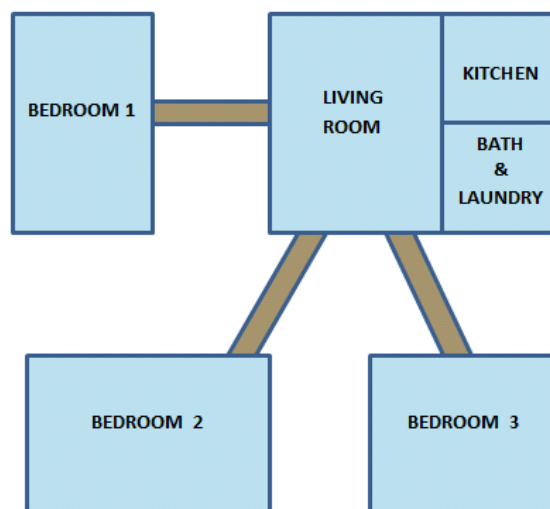


Figure 2:
Expanded House (4 buildings)



The key point with regard to expanded houses and housing affordability is that the outbuildings cannot be used for separate, self contained habitation. In this respect, the only difference between a typical 'contained' house and an 'expanded' house is the overall footprint and the number of buildings. Lawfully constructed expanded houses do not result in more available rooms than an equivalent 'contained' house, and do not provide additional opportunities for self contained habitation.

To comply with the prescriptive measures of the proposed controls, a rural property may include one typical 'contained' house, one expanded house, and one studio – providing a maximum total of six (6) buildings. As discussed above, the proposed controls provide flexibility to this configuration where it can be demonstrated that there is a need for more than six (6) buildings and that the rural character and rural environment will not be adversely affected by over development.

Rural Studios

The proposed DCP provisions seek to manage the number of buildings on a rural property by specifying that studios are limited to one per property (or in the case of multiple occupancy and community title development, one per dwelling). An additional studio may be considered if there is a demonstrated need for the studio and it will not result in over development of the land.

A number of submissions received during the public exhibition period expressed concern that the proposed DCP controls pertaining to rural studios would impact on housing affordability by reducing the possible housing options available in rural areas. This concern is the result of a misinterpretation of the existing DCP controls and reflects the unlawful practice of building rural studios for the purpose of separate habitation, be it in the form of rental accommodation or holiday letting.

Existing DCP provisions require that a studio must not be used for separate habitation. The objective of the controls is to enable construction and use of a detached building where, because of its nature or space requirements, the proposed use of the building is not practical within the confines of the dwelling. Examples of such uses may include a workshop, art space or home office.

Therefore, proposed controls pertaining to rural studios will have no bearing on housing affordability concerns within the Shire.

Affordable Housing SEPP

For applications where the provisions of the affordable Housing SEPP apply, the provisions of the SEPP take precedence over any DCP provisions that may obstruct the application of the SEPP. Therefore, the proposed controls will have no impact on the application of the Affordable Housing SEPP.

Impact of Amendment 'Item 8' on Housing Affordability and Diversity

Housing affordability and diversity in rural zones will not be impacted by the proposed amendment, as the number of dwellings and habitable spaces permissible on a rural property are not proposed to change. The proposed controls provide a flexible approach to managing the number of buildings that can be approved on rural properties and will help to protect the Shire's rural character and rural environment without reducing permissible housing stock.