

GR1 – Review of Wollondilly Development Control Plan 2016 to improve Sustainability Outcomes

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260803

TRIM 10476

EXECUTIVE SUMMARY

- The purpose of this report is to outline a strategy to undertake a review of Wollondilly Development Control Plan 2016, with the intent of improving sustainability outcomes in the Plan.
- The report is a response to a Resolution 63/2018 arising from a Notice of Motion No 12 from the March, 2018 Council Meeting.
- It is recommended that Council notes the planning framework outlined in this report and supports the commencement of the review with a further report to be provided to Council prior to public exhibition of the amendments.

REPORT

At its meeting on 19 March, 2018, Council resolved on a Notice of Motion (NOM 12) the following:

1. *That Council request a report at the 21 May 2018 meeting looking at a strategy to urgently commence a review of Wollondilly Development Control Plan 2016 within 3 months, detailing a strategy for implementation of new DCP controls within 12 months. This review should consider appropriate controls for the following, but not limited to:*

- a) *Controls to mitigate the urban heat island effect considering:*
 - *Systemic approach to developing the urban tree canopy for developments creating better liveability for our communities*
 - *Setbacks and space requirements for integration of green infrastructure*
 - *Inclusions where appropriate for bodies of water, light coloured roofing, green car parks*
 - *Utilising best practice integration of existing biodiversity and trees into designing the new developments*
 - *Consider appropriate building footprints to ensure access to green spaces on each lot*
 - *Consideration of appropriate selection of species of trees and vegetation endemic to the area*
 - *Ways to minimise the amount of roadway exposure in urban design.*

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- b) *Controls to ensure community transport trends and access to public transport including car space requirements for developments.*
- c) *Controls to encourage sustainable best practices in new developments including:*
 - *Review and update of energy saving measures in dwellings*
 - *Encouraging energy resilience through adoption of technology like solar and battery storage*
 - *Dwelling water saving, recycling and retention measures.*

2. *That the intent of this motion also be referred to the next Local Government Conference.*

Recently amendments to the Environmental Planning and Assessment Act.

The Environmental Planning and Assessment Act, 1979 (the EP&A Act) was updated on 1 March 2018. The new Act follows the passing of the Environmental Planning and Assessment Amendment Act 2017 in the NSW Parliament in November 2017. The updated EP&A Act changes its reference system (i.e. clauses and subclauses) and has introduced new requirements for community participation, strategic planning, probity in decision making and other various changes. Many of these changes will ‘commence’ in stages during 2018 and 2019. An extract from the Department of Planning and Environment on the new obligations and the relevant timeframe for commencement is shown below.

New Obligation	To be in place by
Prepare Local Planning Statements	Mid to late 2019
Prepare Community Participation Plans	Late 2019
Review Local Environmental Plan in line with recently release Region & District Plans, and City Deal.	Late 2020
Review Development Control Plan in line with Standard Format Development Control Plans	Mid 2020
Prepare reports for newly established Local Strategic Planning Panels	Ongoing

The above timetable is provided to give an outline of how the DCP review required by the Resolution will sit with the other strategic planning work that Council has a statutory obligation to carry out.



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Implications of other State Legislation

The State Government recently announced the introduction of a new Low Rise Medium Density Housing Code and Medium Density Design Guide which will take effect in NSW from 6 July 2018. The new low rise medium density housing code allows one and two storey dual occupancies, manor houses and terraces to be carried out under a fast track complying development approval pathway. Low rise medium density housing can only be carried out as Complying Development where the proposed development is already permitted under the Wollondilly Local Environmental Plan 2011 (LEP).

A Greenfield Subdivision Code will also be introduced by the State Government which will allow 1-2 storey homes, alterations and additions to be carried out under the fast track Complying Development pathway.

It is considered that any broad review of the Wollondilly Development Control Plan 2011 (DCP) to include increased sustainability measures should occur after council has had the opportunity to consider the full impact of the commencement of each of these codes to ensure a more orderly and considered approach. The commencement of these codes may also provide some guidance on the components of the DCP in which a future review should focus.

Current DCP Reviews from previous Council Resolutions and Existing Projects

There are a number of other identified reviews of the DCP which have been triggered by decisions of Council or from projects currently underway.

These include:

- A review of DCP Volume 8 Agricultural and Rural Uses
- A review of the car parking requirements for Medium Density Development contained in DCP Volume 4
- A review of policies in relation to the installation of advertising signage in our commercial and other zones (including Wilton)
- That workshops be undertaken with Councillors and relevant internal staff to inform the scope of a comprehensive review of Wollondilly Development Control Plan 2016
- Outcomes of the project to 'Develop a health assessment framework for Wollondilly Shire Council; which has been considering approaches to incorporate health into the DCP. This work is being undertaken by the Centre for Health Equity Training Research and Evaluation (CHETRE) in collaboration with the South Western Sydney Local Health District and Council.
- Outcomes of the 'Embedding Sustainability in land Use Planning' project. This project is discussed further in the section below.



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The subject sustainability review will need to be timetabled with consideration given to the current DCP reviews and also having regard to available resources.

Work currently undertaken to improve sustainability outcomes in Wollondilly Development Control Plan 2016

Work to incorporate many of the outcomes identified in the Resolution has recently commenced. In late 2017, Council was given the opportunity to access 30 hours of consulting services on a sustainability project as part of its membership with the Sustainability Advantage Program. Sustainability Advantage is a program offered by NSW Office of Environment and Heritage (OEH) across NSW to assist organisations in achieving better environmental outcomes. The program assists in the improvement of areas such as environmental strategies and resource efficiency and managing environmental risk.

It was determined that a review of DCP to improve sustainability outcomes would be an appropriate way to utilise the consulting services, and in particular the review would focus on the subdivision volume in the Plan. It is envisaged that many of the recommendations from the consulting work could form part of the DCP review, however, it would be appropriate for the outcomes of this work as part of the Sustainability Advantage Program to be finalised prior to the commencement of a broader review.

The preliminary recommendations prepared as part of this review suggest that Council should consider and adopt an overarching sustainability policy, which could include actions for instance that deliver water consumption, greenhouse/energy, climate resilience and amenity benefits such as urban greening. It may be appropriate that this overarching sustainability policy is prepared and finalised prior to the scope of a DCP review to ensure consistency with the sustainability policy. It may also be appropriate for Council to adopt a sustainability vision as a first step.

Relationship of a future DCP review to the State Environmental Planning Policy (Exempt & Complying Development) Codes 2008

A number of sustainability measures outlined in the Resolution in relation to dwellings, particularly those requirements to incorporate light coloured roofs, energy and water savings measures may be difficult to achieve. Many dwellings across the Shire, particularly in Greenfield subdivision areas are carried out under State Environmental Planning Policy (Exempt & Complying Development) Codes 2008 as Complying Development. If a dwelling is able to be carried out as Complying Development, then Council's DCP is not a consideration as the dwelling is only required to meet the predetermined standards outlined in the Exempt & Complying SEPP.



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The residential Volume (Volume 4) in Council's DCP has also been modified on several occasions over recent years to align with the exempt and complying SEPP, as it would be unreasonable to impose a large amount of requirements on a development consent for a single dwelling which would not be applicable if that dwelling were carried out under the exempt and complying SEPP as complying development. For example, a person cannot construct a house under the Complying Development Code in a Heritage Conservation Area and therefore would require a development application. In this situation, there is some inequity in terms of imposing additional requirements on the dwelling in relation to solar access, energy efficiency, water re-use etc merely because the development required more detailed consideration through a development application process.

In this regard, it is considered that a DCP review to incorporate increased sustainable development measures across the Shire would have the best effect if it were focussed on the Subdivision Volume. This would ensure that any improvements to the DCP to incorporate sustainability measures would not be lost when a large number of dwellings are carried out under the Complying Development Code. An approach which focusses on the subdivision volume would also ensure that the work currently being undertaken as part of the Sustainability Advantage Program would be captured through a DCP review.

A large number of the Shire's single dwellings in the future are likely to be provided in the Wilton New Town Precinct. The issues raised in the Resolution, particularly relating to the urban heat island effect would be of particular relevance to Wilton, given the anticipated scale of the development and the built environment. Site specific development controls are being prepared and will be forwarded to the Department of Planning and Environment with a request to include such controls in the volume that they are preparing for the Wilton precinct.

Best approach to achieve sustainability outcomes for Wollondilly

The greatest impact in mitigating against the urban heat island effect and in particular in achieving suitable dwelling setbacks and promoting green spaces in new subdivisions would be made at the LEP amendment (rezoning) stage by applying land use zonings and minimum lot sizes to areas of land which are best capable to enable sufficient setbacks and the retention of landscaped areas.

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 21 May 2018

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FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

It is acknowledged that there are currently limited resources in Council's Strategic Planning Team, and there are also competing tasks given that there are over 40 Planning Proposals, a number of other DCP reviews currently being undertaken and a large volume of work involved with satisfying the requirements of the amended EP&A Act outlined above. There may be limited resources to undertake the additional work required in the NOM.

ATTACHMENTS

Nil

RECOMMENDATION

1. That a further report be provided to Council at the completion of the work being undertaken as part of the Sustainability Advantage Program with a suitable timeframe and scope for the further review of the Development Control Plan to incorporate an increased focus on sustainable development.
2. That a future Development Control Plan review to incorporate increased sustainability measures within future development be narrowed to focus on the Subdivision Volume.
3. That where appropriate sustainability measures are identified during the review which apply to dwellings, that Council write to the Department of Planning and Environment requesting that such measures be incorporated as standard conditions in the State Environmental Planning Policy (Exempt & Complying Development) Codes 2008.