



# Lane Cove Council

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Ms Carolyn McNally  
Secretary  
NSW Department of Planning and Environment  
320 Pitt Street  
SYDNEY NSW 2000

Attention: Ms Carina Lucchinelli

Dear Ms McNally,

**Re: Response to Pre-Conditions for Gateway Approval to Exhibit Planning Proposal 33 to Prohibit Multi-dwelling Housing in the R2 Low Density Residential Zone**

Council was advised that the Gateway Determination **(AT-A)** issued on 6 July 2018 by the Department in respect to the planning proposal seeking to prohibit multi-dwelling housing in the R2 Low Density Residential Zone should proceed subject to the following conditions, including:

*1. The planning proposal is to be updated to:*

- a. provide a quantitative analysis to assess the impacts of the proposal on housing diversity and supply as follows:*
  - i. the total area of land currently zoned R2 Low Density Residential and R3 Medium Density Residential in the local government area;*
  - ii. the number of lots eligible for manor houses/multi-dwelling housing under the Low Rise Medium Density Code in the R2 Low Density Residential and R3 Medium Density Residential zones, taking into account SEPP exclusions; and*
  - iii. the number of multi-dwelling housing and dual-occupancy developments approved in the R2 Low Density Residential and R3 Medium Density Residential in the local area in the last five years;*
- b. explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community; and*
- c. include the proposed map amendments.*

The revised planning proposal was then to be forwarded to the Department for review and approval prior to exhibition.



In response to these conditions, the Planning Proposal has been updated to include items 1.a., b. and c. as follows.

## **Response to Conditions**

*Item 1.a.(i) – The total area of land zoned R2 Low Density Residential and R3 Medium Density Residential*

The total area of land zoned R2 Low Density Residential in Lane Cove Local Government Area is **583** hectares and the total area of land zoned R3 Medium Density Residential is **25.2** hectares. In total the combined area of the two zones in the Lane Cove Local Government area is **608.2** hectares.

*Item 1.a.(ii) – The total number of lots eligible for manor houses/multi-dwelling housing under the Low Rise Medium Density Housing Code area in R2 Low Density Residential and R3 Medium Density Residential zones (taking into account the SEPP exclusions)*

According to Council's analysis, the total number of lots eligible for manor houses/multi-dwelling housing under the Low Rise Medium Density Code in the R2 Low Density Residential and R3 Medium Density Residential zones combined is **2685**. The totals for the R2 and R3 zones are **2565** and **120** respectively.

These take into account the current State Environmental Planning Policy exclusions, as well as the new exclusions introduced as part of the Low Rise Medium Density Code amendments.

*Item 1.a.(iii) – The total number of multi-dwelling housing and dual occupancy developments approved in the R2 Low Density Residential and R3 Medium Density Residential zones in the local government area in the last 5 five years*

Based on a review of Development Applications in the last 5 years, the total number of multi-dwelling housing and dual occupancy developments approved in both zones is **24**. This comprises 12 dual occupancies and 12 multi-dwelling housing developments. In terms of the multi-dwelling housing applications, only 3 were located in the R2 Low Density Residential zone, while the remainder were in the R3 Medium Density Residential zone.

It is also important to note that dual occupancies are prohibited in the R3 Medium Density Residential zone.

*Item 1.b. Explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community*

Lane Cove Council's housing strategy was embedded in LEP 2009's zonings and built form, which replaced the Residential Strategy of the late 1990's. Both were subject to extensive community consultation and adoption.



Council's long-standing planning approach to multi-dwelling housing was the result of a previous housing strategy. A review conducted in the mid 1990's revealed that Lane Cove's housing stock at the time was predominantly made up of either detached houses or flats. A housing strategy was then developed to increase zones which encouraged townhouses and villas within the LGA. Council's Local Environmental Plan 1987 contained specific controls that were developed to differentiate between townhouses and villas based on the local context:

- *“townhouse means a dwelling in a two-storey building containing three or more dwellings, and within the curtilage of which pedestrian access and open space exclusive to each dwelling is provided.*
- *villa home means a building of one but not more than one residential storey containing two or more dwellings within the curtilage of which pedestrian access and open space exclusive to each dwelling is provided”.*

Different bulk and scale requirements of both types of development were also incorporated. Villa homes only permitted a floor space ratio of 0.4:1 and the total number of dwellings could not exceed one dwelling for each 350 m<sup>2</sup>. However, the scale of townhouses varied depending on the zoning, for example:

- Townhouses in zones 2 (b) and (c) permitted a floor space ratio of 0.6:1 and the total number of dwellings could not exceed one dwelling for each 250 m<sup>2</sup>.
- Townhouses in zone (b1) permitted a floor space ratio of 0.5:1 and the total number of dwellings could not exceed one dwelling for each 300 m<sup>2</sup>.

These controls demonstrated an appropriate contextualised response to increasing housing diversity and stock. It sought to ensure that different development types would respond to local housing needs at the time. However, this differentiation was not able to be recognised when Council came to undertake its comprehensive Local Environmental Plan in 2006 as both land uses were considered to be the same under the Standard LEP Instrument definitions.

Council then wrote to the Department of Planning in 2006 to seek confirmation that if Council continued to permit multi-dwelling housing in its R2 Low Density Residential zone that it would be allowed to limit height to only single storey dwellings (villas) and not townhouses.

The Department responded in 2006 by supporting the inclusion of 'multi dwelling housing' in Lane Cove's R2 Low Density Residential zone with a height control of 5 metres (limiting it to single storey). Two-storey townhouses were to be located in the R3 Medium Density Residential zone in order to be consistent with Council's long standing planning approach. In this regard, Council's comprehensive Local Environmental Plan became the adopted housing strategy in 2010, following extensive community consultation and adoption.



The new Medium Density Housing Code and Design Guide however would override Council's planning controls by permitting terraces/townhouses in the R2 zone to a height of 8.5 metres, overriding Council's height control of 5 metres. This would, in effect, reduce housing diversity as it would make the single storey villas (in a more appropriate low density zone) even less desirable while promoting development of the larger scale townhouses (which is permissible and more appropriate elsewhere). This is evident in the earlier development analysis which shows that most approvals for multi dwelling development are in the form of two storey townhouses located in the R3 Medium Density zones.

Council's current housing strategy (expressed through its LEP), then, does not rely on villa developments to achieve the LGA's housing targets as defined in the North District Plan. Therefore, given that multi-dwelling housing was envisaged by Council only as single storey villa homes in Lane Cove's R2 Low Density Residential zone and not townhouses or terraces, it is considered appropriate that this newly-defined land use be removed from the zone along with the supporting height and floor space ratio controls.

This is not only justified in a policy sense, but critical to maintaining the local character and built form of Lane Cove's R2 zone. Allowing multi-dwelling housing to continue as a permissible land use in the R2 zone (with the Code superseding Council's existing height controls) would result in an unacceptably bulky and unintended planning outcome, particularly in visually sensitive R2 areas such as Harbour foreshores.

With regard to housing supply, the *North District Plan* has set a new five year housing target for Lane Cove of an extra 1,900 dwellings by 2021. In addition to permitting various housing typologies into its Low Density zone, housing diversity was previously incorporated into the comprehensive LEP through other lower scale development at varying densities. These were focused around Lane Cove Village, Burns Bay Road, Mowbray Road Precinct and Birdwood Avenue/Finlayson Street precinct.

Further to housing supply, a 7+ hectare (ha) precinct entitled St Leonards South, is targeted for increased high density residential development which could potentially accommodate 2,400 new dwellings together with new open space, east-west connections, multi-purpose facilities (including child care and community halls) and key-worker housing. This is in accordance with the North District Plan actions and expectations relating to Strategic Centres.

Housing affordability is being achieved on a site-specific basis through Voluntary Planning Agreements (VPAs). In St Leonards a limited number of key central sites along the Pacific Highway were targeted as 'pilot projects' for mixed use to enhance the public domain and stimulate the commercial centre's revitalisation. These projects are now in the process of being delivered.

Therefore, housing diversity is currently being achieved and delivered in Lane Cove through existing permissible residential land uses across a range of zones and densities. Given that the intent of single-storey villa development is



unlikely to be achieved under the Code, and that it currently does not make a significant contribution to housing targets or diversity (as outlined above), it can be removed as a permissible land use from Council's R2 Low Density Residential zone without having an impact.

*Item 1.c. Include the proposed map amendments*

The proposed map amendments are attached to the Planning Proposal at **AT- B**. They show the removal of 'Area 1" label on all R2 zoned land, referring to a lower FSR for multi-dwelling housing on R2, which would no longer apply.

The planning proposal has been updated to meet your requirements and is forwarded to the Department for review and approval. We therefore request your approval to publicly exhibit Planning Proposal No. 33 as a matter of priority.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Mason', followed by a horizontal line.

**Michael Mason**  
**Executive Manager – Environmental Services**

**Attachments**

**AT-A:** Gateway Determination letter dated 6 July 2018

**AT-B:** Proposed map amendments (FSR map – clause 4.4(2A)(a))