



# Lane Cove Council

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Date: 10 May 2018  
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Ms Carolyn McNally  
Secretary  
NSW Department of Planning and Environment  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Ms McNally,

**Re: Planning Proposal 33 – Multi Dwelling Housing**

Council advises that it is submitting Planning Proposal 33 to remove multi dwelling housing as a permissible land use in the R2 Low Density Residential zone along with its supporting controls in the Local Environmental Plan. Council requests that it be forwarded to the Department's Gateway, for approval to proceed to public exhibition as a matter of urgency.

The documentation is to be forwarded electronically with this covering letter and comprises:-

- Planning Proposal 33
- Council Report from its 1 May 2018 Extraordinary Council meeting and
- Council Resolution from its 1 May 2018 Extraordinary Council meeting.

Council Resolution

Council considered the potential impacts of the new Medium Density Housing Code and Design Guide at an extraordinary meeting on 1 May 2018.

The provisions of the new Code are considered to be appropriate for dual occupancies. Both Council's minimum lot sizes and prohibition of dual occupancy subdivisions will remain in effect. Multi dwelling housing of the type proposed in the Code were also considered appropriate in the R3 Medium Density Residential zone, as the existing controls allow for two storey townhouses / terraces. The Code will allow a streamlined assessment process in this zone.

However, the new provisions relating to multi dwelling housing (terraces) were considered to be inconsistent with Council's long standing planning approach in the R2 Low Density Residential zone and would result in unintended detrimental impacts to the Lane Cove residential areas. At this meeting Council resolved:-

- to submit to the Department a Planning Proposal to prohibit the land use 'multi dwelling housing' in the R2 Low Density Residential zone, along with removing all supporting height and floor space ratio controls that restrict development to a single storey development.

## Background

Prior to the 2010 comprehensive Local Environmental Plan, Council 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 could be limited to allow only single storey dwellings (villas) and not townhouses.

The Department responded in 2006 by supporting the inclusion of 'multi dwelling housing' in the 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.

## Explanation for Planning Proposal

The new Medium Density Housing Code and Design Guide will supersede Council's planning controls by permitting villas and terraces/townhouses in the R2 zone, because the Code permits both villas and terraces to a height of 8.5 metres, overriding Council's height control of 5 metres.

Council's existing LEP objective for the R2 Low Density zone is to 'encourage new dwelling houses that are not highly visible when viewed from the Lane Cove River'. As the adjacent foreshore area is not excluded from the Code and Design Guide, it would apply to the areas adjacent to the Lane Cove River. Foreshore areas have a greater visual impact and are environmentally more sensitive than flat suburban land. It would be highly inappropriate to permit bulkier, intense development, which would not be subject to professional scrutiny from architects, planners and engineers, to minimise impacts. Allowing multi dwelling housing to continue as a permissible land use in the R2 zone (with the Code superseding Council's existing controls) would result in an unacceptable and unintended planning outcome.

However, it is not desirable to allow townhouses / terraces in the R2 Low Density Residential zone, which was only ever envisaged to accommodate 'multi dwelling housing' that was low scale, single storey villas. Given Council's housing strategy does not rely on villa developments to achieve the LGA's housing targets, it is proposed that Council submit a Planning Proposal to remove 'multi dwelling housing' from the R2 Low Density Residential zone. In this regard, the 2006 Draft Inner North Sub-Regional Plan envisaged 3,900 additional dwellings by 2031.

Council's 2009 LEP catered for this growth and more than 3,750 dwellings have already been delivered or are under construction. Council's current planning strategies in relation to the St Leonards / Crows Nest Planned Precinct will provide the basis of Council's 10 year Housing Strategy to deliver the North District Plan targets.

Therefore the Planning Proposal seeks to delete 'Multi dwelling housing' from R2, delete sub-clauses 4.3(2A) and 4.4(2A)(a). The attached document provides objectives, explanation of provisions and justification for the Planning Proposal.

## Conclusion

These amendments seek to maintain the visual waterside and bushland amenity, local character and built form of the R2 Zone in Lane Cove. However, it is Council's view that the proposed amendments will severely impact these environmental assets and will have unintended planning and built form outcomes.

Given the impending nature of the new Medium Density Housing Code and Design Guide, we request that the Department review this Planning Proposal as a matter of urgency or use other means to ensure the Code is not utilised prior to Gazettal of the LEP amendment.

Please feel welcome to contact myself or Chris Pelcz, Council's Coordinator - Strategic Planning, on 9911 3516 to discuss any matters relating to this Planning Proposal.

Yours sincerely

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Craig Wrightson  
**General Manager**