

Planning proposal to increase the maximum size of internal secondary dwellings from 60 sq metres to 75 sq metres

Proposal Title :	Planning proposal to increase the maximum size of internal secondary dwellings from 60 sq metres to 75 sq metres		
Proposal Summary :	The planning proposal seeks to amend Manly Local Environmental Plan 2013 to allow internal secondary dwellings of up to 75 square metres in Zones R1 - General Residential, R2 – Low Density Residential and R3 - Medium Density Residential and Zones E3 - Environmental Management and E4 - Environmental Living. This will allow for development of two bedroom secondary dwellings suitable for an increased age range and demographic. The planning proposal does not change floor space limits for other types of secondary dwellings.		
PP Number :	PP_2016_NBEAC_002_00	Dop File No :	16/09261

Proposal Details

Date Planning Proposal Received :	05-Jul-2016	LGA covered :	Northern Beaches
Region :	Metro(CBD)	RPA :	Northern Beaches Council
State Electorate :	MANLY	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	This applies to all land covered by the Manly LEP 2013		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes :

The Standard Instrument defines "Secondary Dwelling" as:

A self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

State Environmental Planning Policy (SEPP) Affordable Rental Housing 2009, Division 2: Secondary Dwellings, provides the mechanism to permit secondary dwellings in residential zones (R1 - R5) as development that may be carried out with consent (Section 221 or as complying development (Section 23).

A key development standard for secondary dwellings in SEPP Affordable Rental Housing is that they must not exceed 60 square metres unless a greater floor area is permitted under another environmental planning instrument.

The Manly LEP 2013 contains three residential zones – R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential. Secondary dwellings are also permitted with consent in Zone E3 Environmental Management and E4 Environmental Living.

During the drafting of Manly LEP 2013, Clause 5.4(9) was adopted. The clause reduced the maximum size of secondary dwellings to 60 square metres or 30% of the floor area of the primary dwelling to comply with the Department's requirements for Standard Instrument LEPs.

The aim of the planning proposal is to increase this maximum size to allow secondary dwellings with floor areas of up to 75 square metres, within existing dwellings. This would replicate the previous controls for family flats under the previous Manly DCP 2007 and

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would therefore be consistent with a previously approved Council strategy.

The intent of the planning proposal will be achieved via an additional local clause in Manly LEP 2013. The proposed clause is based on Warringah LEP 2011, Clause 6.10 'Development for the purposes of secondary dwellings in Zones R2 and R3'.

The proposed clause to be included in Manly LEP 2013 will apply to E3 Environmental Management and E4 Environmental Living zones. The Department requested further justification from Council on the consistency of the planning proposal with the objectives of the E3 and E4 zones. This was received on 20 July 2016 and is considered satisfactory.

The Department supports the planning proposal given both its intent and development outcomes are consistent with the current strategic planning framework, including SEPP (Affordable Rental Housing) 2009. Limiting the proposal to internal dwellings means that the overall size or existing FSR of the principal dwelling will not be affected.

In addition, the Department recently supported changes to the Warringah LEP which is also part of the newly amalgamated Northern Beaches Council. This planning proposal would therefore contribute to consistency across the new Local Government Area.

External Supporting
Notes :

Council supports this planning proposal because it:

- will address the impact of the State policy limit of 60m² for internal secondary dwellings which has resulted in dwellings which are less suitable for young families who require more space than single persons or older residents;
- helps address the significant housing affordability problem in the area by providing greater housing choice and additional affordable rental housing;
- supports the Apartment Design Guide to allow two bedroom dwellings to meet the minimum apartment sizes for apartments and residential flat buildings; and
- allows for more efficient use of the existing housing stock and community infrastructure.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective of the planning proposal is to allow secondary dwellings of up to 75 square metres in floor area, subject to development consent, if they are:

- within Zones R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, E3 Environmental Management or E4 Environmental Living; and
- within an existing dwelling house.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The planning proposal seeks to amend Manly LEP 2013 as follows:

- amend the Land Use Table: Zone R1 General Residential to insert "Secondary Dwellings" as a new item in 3. Permitted with consent
- amend the Land Use Table: Zone R2 Low Density Residential to insert "Secondary Dwellings" as a new item in 3. Permitted with consent
- amend the Land Use Table: Zone R3 Medium Density Residential to insert "Secondary Dwellings" as a new item in 3. Permitted with consent
- amend Part 6 Additional Local Provisions to insert the following clause that:

- Introduces an objective which states 'The objective of this clause is to ensure that secondary dwellings on land to which this clause applies are of low impact and without adverse effects on the specific ecological, social and aesthetic values of the land'

- Insert the following three operative clauses:

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(1) The objective of this clause is to ensure that secondary dwellings on land to which this clause applies are of low impact and without adverse effects on the specific ecological, social and aesthetic values of the land.

(2) This clause applies to land in the following zones:

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone E3 Environmental Management,
- (e) Zone E4 Environmental Living

(3) Despite clause 5.4 (9), development consent may be granted for development for the purposes of a secondary dwelling on land to which this clause applies if:

(a) the total floor area of the secondary dwelling does not exceed 75 square metres, and

(b) the consent authority is satisfied that the secondary dwelling will be located entirely within an existing principal dwelling that contains no other secondary dwelling.

(4) In this clause: development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note. See also Division 2 of Part 2 of State Environmental Planning Policy (Affordable Rental Housing) 2009."

This wording of this clause will be subject to Parliamentary Counsel advice.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

SEPP (Affordable Rental Housing) 2009

As discussed under "Supporting Notes", SEPP Affordable Rental Housing 2009, provides the mechanism to permit secondary dwellings in residential zones (R1-R5). Zones E3 and E4 could be considered as "equivalent land use zones" under the SEPP for the purposes of this planning proposal as secondary dwellings are permitted with consent in these zones under the Manly LEP.

The Department's policy team has confirmed that both the general intent and development outcomes of the planning proposal are consistent with the SEPP. This is because the proposal will promote affordable rental housing options in Manly LGA by allowing for larger internal secondary dwellings in established residential areas without impacting on the overall size of the principal dwelling.

The planning proposal is consistent with all relevant Section 117 Directions.

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Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No mapping is required to be prepared as part of this planning proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to undertake community consultation in accordance with Council's adopted Community Engagement Policy.**

Given the nature of the planning proposal a community consultation period of 28 days is proposed by Council. This is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **On 5 April 2013, Manly LEP 2013 was published on the NSW Legislation website and came into effect on 19 April 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal is the result of a Northern Beaches Council resolution made on 16 June 2016. The SEPP (Affordable Rental Housing) allows environmental planning instruments, such as Manly LEP 2013, to increase limits to the total floor area of secondary dwellings. Therefore, the planning proposal is the appropriate mechanism for Council to achieve the objectives.**

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Consistency with strategic planning framework :

The planning proposal is consistent with A Plan for Growing Sydney (2014):

Direction 2.1: Accelerate housing supply across Sydney

Action 2.1.1: Accelerate housing supply and local housing choices

Action 2.2.3 Deliver more opportunities for affordable housing

The planning proposal will facilitate greater flexibility of secondary dwelling layouts and allow for two bedroom units to meet the minimum recommended floor space area under the Apartment Design Guide. This in turn will improve housing choice and affordability in the local rental market whilst maintaining the local character and built form of existing residential areas.

The planning proposal is consistent with Objective 2 of the Community Strategic Plan: Create liveable neighbourhoods with more affordable housing choices.

Environmental social economic impacts :

Environmental:

The planning proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats given that the proposed changes will only apply to internal secondary dwellings.

Social:

The proposal will have positive social and economic impacts as it will increase housing choice and affordability in an area which has low rental housing affordability. This will have a particular benefit for young people and families and older residents looking to downsize without moving from their homes.

Limiting the proposal to internal dwellings means that the overall size of the principal dwelling will not be affected and existing transport and social infrastructure can be utilised.

The larger floor space area proposed will also result in a potential higher quality of dwelling layout being proposed as the minimum size of a two bedroom apartment in the Apartment Design Guide is 75 square metres.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	9 months	Delegation :	RPA
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Public Authority Consultation - 56(2)(d) :	Adjoining LGAs
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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

**3.1 Residential Zones
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
7.1 Implementation of A Plan for Growing Sydney**

Additional Information :

It is recommended that the planning proposal proceed subject to the following conditions:

1. Community Consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

2. A public hearing is not required to be held into the matter.

3. The timeframe for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.

4. Northern Beaches Council be granted delegation to carry out the Minister's functions under section 59 of the EP&A Act to progress this planning proposal.

Supporting Reasons :

The planning proposal is supported with conditions because it:

- satisfies State and subregional metropolitan strategy objectives, which encourage accelerated housing supply close to jobs and serviced by good public transport, in locations identified by Councils**
- supports the objectives of the SEPP (Affordable Rental Housing) because it will promote increased choice and affordability of rental accommodation in the Northern Beaches LGA.**

Signature:



Printed Name:

KAREN ARMSTRONG

Date:

1/8/16

