

MINUTES

AMENDMENT: Councillor Konjarski and Councillor Grekas

- (a) That Council endorse the attached Low Rise Medium Density Housing Planning Proposal, as contained in Attachment 1 of this Report.
- (b) That the Low Rise Medium Density Housing Planning Proposal be forwarded to the delegate of the Greater Sydney Commission in accordance with the Gateway Determination.
- (c) That Council endorse that the General Manager may make minor modifications to correct any numerical, typographical, mapping, interpretation and formatting errors, if required, to improve clarity and readability.
- (d) That Council be advised of when the Low Rise Medium Density Housing Planning Proposal will be placed on public exhibition.

ENV046-18 Low Rise Medium Density Housing Code Planning Proposal

Recommendation: Councillor Badalati and Councillor Katris

- (e) That Council amend the Low Rise Medium Density Housing Planning Proposal, as contained in Attachment 1 of this Report by not amending the minimum lot size for dual occupancies for Area "G" of HLEP 2012 from 630sqm to 650sqm in order to maintain the status quo until a comprehensive review is undertaken of the development controls for dual occupancy (such as lot size , floor space ratios, height and setbacks) with the aim of ensuring sympathetic built form outcomes within the City's R2 zones.
- (f) That the amended Low Rise Medium Density Housing Planning Proposal be forwarded to the delegate of the Greater Sydney Commission for an Alteration to the Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.
- (g) That Council endorse that the General Manager may make minor modifications to correct any numerical, typographical, mapping, interpretation and formatting errors, if required, to improve clarity and readability.
- (h) That subject to compliance with the conditions of the Alteration to the Gateway Determination that the Low Rise Medium Density Housing Planning Proposal be placed on public exhibition.
- (i) That Council be advised of when the Low Rise Medium Density Housing Planning Proposal will be placed on public exhibition.

Item: ENV046-18 Low Rise Medium Density Housing Code Planning Proposal

Author: Senior Strategic Planner

Directorate: Environment and Planning

Matter Type: Committee Reports

Recommendation:

- (j) That Council endorse the attached Low Rise Medium Density Housing Planning Proposal, as contained in Attachment 1 of this Report.
- (k) That the Low Rise Medium Density Housing Planning Proposal be forwarded to the delegate of the Greater Sydney Commission in accordance with the Gateway Determination.
- (l) That Council endorse that the General Manager may make minor modifications to correct any numerical, typographical, mapping, interpretation and formatting errors, if required, to improve clarity and readability.
- (m) That Council be advised of when the Low Rise Medium Density Housing Planning Proposal will be placed on public exhibition.

Executive Summary

1. In June 2018, the State Government's Low Rise Medium Density Housing Code (Code) came into effect.
2. The Code allows dual occupancies, terraces and manor houses to be carried out under complying development, with no requirement for development consent.
3. The Code applies where the land use is permitted under a relevant local environmental plan.
4. Council sought an exemption from the Code and its related amendments to the Standard Instrument Local Environmental Plan. The reasons for Council seeking the exemption were that multi dwelling housing is permitted across much of the R2 Low Residential Density area (in the former Hurstville area and specific areas in the former Kogarah); dual occupancies are permitted in the R2 Low Density Residential zone and R3 Medium Density Residential zone; and significant housing is being delivered within our centres and transport corridors.
5. At the June 2018 Council meeting, Council resolved to support a Planning Proposal to amend Kogarah Local Environmental Plan 2012 and Hurstville Local Environmental Plan 2012 in response to the Code.
6. The following amendments are proposed to KLEP 2012:
 - Amend Schedule 1 Additional Permitted Uses to repeal Items 17 & 18– which permit Multi Dwelling Housing in the R2 zone
 - Amend Schedule 1 Additional Permitted Uses to repeal Item 19 – which permits Multi Dwelling Housing & Dual Occupancy (detached) in the R2 zone

- Include a new savings transition clause to ensure that the proposed amendments do not affect any current development applications or appeal processes
7. The following amendments are proposed to HLEP 2012:
 - Amend the R2 Low Density Residential zone in the Land Use Table, to prohibit Multi dwelling housing, Multi dwelling housing (terraces) and Manor houses.
 - Increase the minimum lot size for dual occupancies to 650sqm for land identified as “G” on the Lot Size Map in both the R2 Low Density Residential zone and the R3 Medium Density Residential zone. This is to unify the minimum lot size control for dual occupancies between our LEPs.
 - Include a new savings transition clause to ensure that the proposed amendments do not affect any current development applications or appeal processes.
 8. In July 2018, the Department granted Council a deferral from the Code in the Georges River LGA until 1 July 2019; and a Gateway Determination (Gateway) was issued for the Planning Proposal.
 9. The Gateway sought amendments to the Planning Proposal prior to public exhibition. The Planning Proposal has been amended accordingly.
 10. The purpose of this report is to seek Council’s endorsement to forward the updated Planning Proposal to the State Government prior to public exhibition.

Background

Low Rise Medium Density Housing Code

11. A new Low Rise Medium Density Housing Code (Code) has been introduced, to allow one and two storey dual occupancies, manor houses and terraces to be carried out under a fast track complying development approval.
12. Terrace housing is permissible under the Code where multi dwelling housing is permitted under a relevant local environmental plan (LEP). Manor housing is permissible under the Code where multi dwelling housing or residential flat buildings (or both) are permitted under a relevant LEP. Dual occupancies (attached, detached and one on top of the other) are permitted where dual occupancies are permitted under a relevant LEP.
13. **Figure 1** provides a visual overview of medium density housing under the Code.



Figure 1 – Medium density housing under the Code

14. The Code provisions do not allow the community to have their say about medium density development. Complying development approval can be issued within 20 days if the application complies with all the relevant requirements in the Code.

Original Council Resolution - Low Rise Medium Density Housing Code

15. Council resolved on 28 May 2018 (NM035-18) that the General Manager urgently prepare a report to the June 2018 Council meeting requesting an exemption from the Code.
16. The Council resolution stated:
 - a. *That the General Manager urgently prepare a report to Council in June 2018 on the NSW Coalition Government's new Low Rise Medium Density Housing Code, to be introduced on 6 July 2018, and the impact that this new Code will have on the Georges River Council LGA, including the extent of the likely significant increase in the number of dwellings permitted in low density areas and; the approximate number of sites in the LGA where the new Code will allow the fast-tracked development of manor houses, duplexes and terrace houses in low density areas.*
 - b. *That Council notes with serious concern that the new Code will allow Private Certifiers to approve 2 storey residential flat buildings comprising 3-4 dwellings, known as "manor homes", as well as duplexes and terrace housing, under the complying development approval process (SEPP) in R2 Low Density Residential Zones, with minimal neighbour notification and no requirement for objections to be considered.*
 - c. *That to protect our community from future impacts from the Code:*
 - i. *Council immediately and concurrently prepare a Planning Proposal to:*
 - a. *Prohibit manor houses from the R2 Low Density Residential Zone.*
 - b. *Prohibit terraces/town houses/villa development from the R2 Low Density Residential Zone.*
 - c. *Restrict dual occupancy development to current planning rules.*
 - ii. *Submit the Planning Proposal to the Greater Sydney Commission for Gateway approval.*
 - iii. *Delegate to the General Manager any administrative arrangements to progress the Planning Proposal, including exhibition, once a Gateway Determination has been received.*
 - d. *That Council write to the Minister for Planning, the Hon Anthony Roberts MP to seek an exemption from the Code's SEPP amendments within the R2 zone and to request that Council's local planning controls prevail over the SEPP until the Planning Proposal has been gazetted.*
 - e. *That Council apply for grant funding of \$2.5 million to assist in accelerating the preparation of the Georges River LEP review within a 12 month period, with such funds being used for studies, resources and other*

items needed to advance the LEP review within the required two-year period.

- f. *That the NSW Coalition Government's policy changes and its implications for our City be widely communicated to the community.*

Local Planning Panel and subsequent Council Meeting

17. Direction from the Minister for Planning under Section 9.1 of the Environmental Planning and Assessment Act 1979 and the Charter of the Georges River Council Local Planning Panel 2018 both specify that a Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination (approval).
18. The Planning Proposal was considered by the Local Planning Panel at its Meeting held 21 June 2018. The Panel recommended to Council that the Planning Proposal – Low Rise Medium Density Housing Code be forwarded to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 3.34 of the Environmental Planning and assessment Act 1979.
19. The minutes of the Local Planning Panel Meeting were referred to Council on 25 June 2018. Council resolved:
 - a. *That the Planning Proposal – Low Rise Medium Density Housing Code be forwarded to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.*
 - b. *That Council be advised of the conditions of the Gateway Determination when received.*
 - c. *That Council endorse the recommendations of the Local Planning Panel in respect to the Planning Proposal – Low Rise Medium Density Housing Code.*

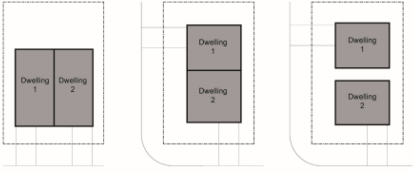
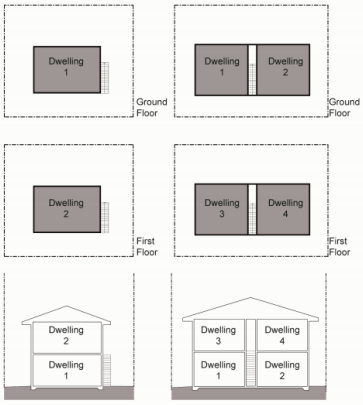
Deferral of the Code

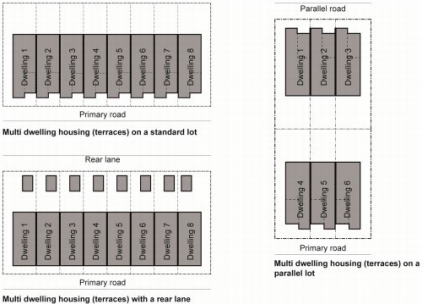
20. In June 2018, Council sought an exemption from the Code. In July 2018, the Department granted Council a deferral from the Code in the Georges River LGA until 1 July 2019.
21. In the Georges River LGA, applicants cannot use the Code or lodge development applications for Manor Houses or Terraces; or use the Code for Dual Occupancies until 1 July 2019.
22. Applicants can still lodge development applications for Dual Occupancies under KLEP 2012 and HLEP 2012.
23. In September 2018, Council wrote to the Department requesting an extension of the deferral from the Code in the Georges River LGA until July 2020 and until Council has a Housing Strategy, Inclusive Housing Strategy and principal LEP in place that provides planning provisions and a set of controls for dual occupancy and multi dwelling housing.
24. A request was also made that dual occupancy and multi dwelling housing under the Code must comply with the development standards under Council's LEPs, once the Code is in force.

Potential impacts of the Code within the Georges River LGA

25. **Table 1** below provides an outline of the planning provisions that will apply for complying development under the Code within the Georges River LGA.

Table 1 – Planning Provisions and the Code

Type of Housing	Low Rise Medium Density Housing Code	KLEP 2012 applicable controls	HLEP 2012 applicable controls
Dual Occupancy Attached or detached but not located above	 <p>Certain attached dual occupancies (where no part of the dwelling is located above any part of another dwelling) on a standard lot</p> <p>Certain attached dual occupancies (where no part of the dwelling is located above any part of another dwelling) on a corner lot</p> <p>Certain detached dual occupancies (where no part of the dwelling is located above any part of another dwelling) on a corner lot</p>		
Lot requirements – size		650m ²	630m ²
Lot Width	Width 12m with lane at rear Width 15m with no laneway at rear	1000m ²	1000m ²
Height	8.5m		
Maximum gross floor area	400m ² – 2000m ² : 25% of lot area + 300m ² >2,000m ² : 800m ²		
Manor Houses, Dual occupancies (located above part of another dwelling) manor house means a building containing 3 or 4 dwellings, where: (a) each dwelling is attached to another dwelling by a common wall or floor, and (b) at least 1 dwelling is partially or wholly located above another dwelling, and (c) the building contains no more than 2 storeys (excluding any basement).	 <p>Dual Occupancy (where one dwelling is located above part of another dwelling)</p> <p>Manor Houses</p>		
Lot size	600m ²		

Type of Housing	Low Rise Medium Density Housing Code	KLEP 2012 applicable controls	HLEP 2012 applicable controls
requirements – manor house			
Lot size requirements - dual occupancy		650m2 - (Area O) 1000m2 - (Area U)	630m2 - (Area G) 1000m2 - (Area K)
Lot Width	15m width		
Height	8.5m		
Maximum gross floor area	The maximum gross floor area of all buildings on a lot is 25% of the lot area plus 150m2, to a maximum of 400m2.		
<p>Multi dwelling housing (terraces)</p> <p>multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land where: (a) each dwelling has access at ground level, and (b) no part of a dwelling is above any part of any other dwelling, and includes multi dwelling housing (terraces). Note. Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary. Multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads</p>	 <p>The diagrams show three configurations of multi dwelling housing (terraces):</p> <ul style="list-style-type: none"> Multi dwelling housing (terraces) on a standard lot: Eight dwellings (Dwelling 1 to Dwelling 8) are arranged in a row, each with its own front access to a primary road. Multi dwelling housing (terraces) with a rear lane: Eight dwellings are arranged in a row, with a rear lane providing access to the rear of each dwelling. The front access is to a primary road. Multi dwelling housing (terraces) on a parallel lot: Three dwellings (Dwelling 1, Dwelling 2, Dwelling 3) are arranged in a row, with a parallel road providing access to the rear of each dwelling. The front access is to a primary road. 		
Lot size requirements	Other than Area K in the HLEP 2012 – 600m2	R3 - 800m2	Area K – 500m2 per dwelling

Type of Housing	Low Rise Medium Density Housing Code	KLEP 2012 applicable controls	HLEP 2012 applicable controls
Lot Width	18m width		
Height	9m		
Maximum gross floor area	R2 – 60% of lot area R3 – 80% of lot area		

26. **Attachment 9** provides an overview of the number of approvals for medium density housing in the Georges River LGA over the last 5 years. In addition to providing data on multi dwelling housing and dual occupancy approvals, Council has summarised the secondary dwelling approvals in the R2 Low Density Residential zone and R3 Medium Density Housing zone.
27. The following is a summary of the data in **Attachment 9**:
- a. In the R2 Low Density Residential zone under HLEP 2012, the former Hurstville Council / Georges River Council granted the following medium density housing approvals over a five year period (2013 – 2018):
 - i. 192 dual occupancies
 - ii. 14 townhouses
 - iii. 13 townhouse, villas
 - iv. 1 villas
 - v. 126 secondary dwellings
 - b. In the R3 Medium Density Residential zone under HLEP 2012, the former Hurstville Council / Georges River Council granted the following medium density housing approvals over a five year period (2013 – 2018):
 - i. 1 dual occupancy
 - ii. 1 townhouse
 - iii. 2 secondary dwellings
 - iv. 2 unspecified forms of medium density housing
 - c. In the R2 Low Density Residential zone under KLEP 2012, the former Kogarah Council / Georges River Council granted the following medium density housing approvals over a five year period (2013 – 2018):
 - i. 84 dual occupancies
 - ii. 2 town houses
 - iii. 0 townhouse, villas
 - iv. 2 villas
 - v. 119 secondary dwellings
 - d. In the R3 Medium Density Residential zone under KLEP 2012, the former Kogarah Council / Georges River Council granted the following medium density housing approvals over a five year period (2013 – 2018):

- i. 10 dual occupancies
- ii. 1 townhouse
- iii. 1 villa
- iv. 8 secondary dwellings

Note: It must be noted that secondary dwellings are not permitted under the R2 Low Density Residential and the R3 Medium Density Residential zone under KLEP 2012. Therefore such applications are assessed under State Environmental Planning Policy (Affordable Rental Housing) 2009.

28. As it can be seen in **Attachment 9**, Council has seen a high number of secondary dwelling approvals in our LGA over the last five years. A total of 175 complying development certificates were processed for secondary dwellings in the former Hurstville LGA in the past 5 years (2013 – 2018). The same data is not available for the former Kogarah LGA.
29. It is important that the Department of Planning and Environment identify that secondary dwellings are a form of medium density housing and count this type of development in our dwelling numbers and housing targets.
30. The following **Table 2** below provides the approximate number of sites in the LGA where the Code will allow the fast tracked development of dual occupancies, manor housing and terrace housing.

Table 2 – Number of sites affected by Code per zone/LEP

Type	LEP	Zone	Lot Area	Frontage	Planning notes	Estimated No. of Land		
Dual Occupancy	HLEP12	R2	≥ 630sqm	≥ 12m	Count within LSZ Area G only	2666		
			≥ 630sqm	≥ 15m	Count within LSZ Area G only	2168		
			≥ 1000sqm	≥ 12m	Count within LSZ Area K only	154		
			≥ 1000sqm	≥ 15m	Count within LSZ Area K only	145		
			R3	≥ 630sqm	≥ 12m	Count within LSZ Area G only	564	
				≥ 630sqm	≥ 15m	Count within LSZ Area G only	554	
				≥ 1000sqm	≥ 12m	No LSZ Area K in R3	0	
				≥ 1000sqm	≥ 15m	No LSZ Area K in R3	0	
	Manor House	KLEP12	R2	≥ 650sqm	≥ 12m	Count within LSD Area O only	2411	
				≥ 650sqm	≥ 15m	Count within LSD Area O only	1993	
				≥ 1000sqm	≥ 12m	Count within LSD Area U only	49	
				≥ 1000sqm	≥ 15m	Count within LSD Area U only	41	
			R3	≥ 650sqm	≥ 12m	Count within LSD Area O only	665	
				≥ 650sqm	≥ 15m	Count within LSD Area O only	637	
				≥ 1000sqm	≥ 12m	Count within LSD Area U only	0	
				≥ 1000sqm	≥ 15m	Count within LSD Area U only	0	
Terraces	HLEP12	R2	≥ 600sqm	≥ 15m	Count land within R2 Zone	3716		
				R3	≥ 600sqm	≥ 15m	Count land within R3 Zone	587
					KLEP12	R3	≥ 600sqm	≥ 15m
Terraces	HLEP12	R2	≥ 600sqm	≥ 18m	Count within LSZ Area G only	1457		
			≥ 1500sqm	≥ 18m	Count within LSZ Area K only	10		
				R3	≥ 600sqm	≥ 18m	Count within LSZ Area G only	500
					≥ 1500sqm	≥ 18m	No LSZ Area K in R3	0
		KLEP12	R3	≥ 800sqm	≥ 18m	Count land within R3 Zone	505	

31. **Table 2** details the sites that are eligible for complying development for the different types of housing that will be permitted under the Code. In summary it is advised:

a. Manor houses

- i. 3716 properties in the R2 zone and 587 properties in the R3 Zone under the HLEP are eligible for complying development under the Code.
- ii. 722 properties in the R3 zone under the KLEP are eligible for complying development under the Code.

b. Terraces

- i. 1467 properties in the R2 zone and 500 properties in the R3 zone under the HLEP are eligible for complying development under the Code.
- ii. 505 properties in the R3 zone under the KLEP are eligible for complying development under the Code.

32. Council's attention is also referred to **Attachments 4 - 8** and **9**. The related changes to the Standard LEP instrument amend both the Kogarah and Hurstville LEPs. If the development cannot be carried out as complying development due to an exclusion or a non-compliance with the Code, a development application can be lodged, as manor housing and terrace housing will be permitted in the R3 Medium Density Housing zone under KLEP 2012 and in the R2 and R3 zones under the HLEP 2012 (should an amendment not be made to remove Multi Dwelling Housing out of the R2 zone).

Total area of land zoned R2 Low Density Residential and R3 Medium Density Residential in the local government area.

33. The Georges River LGA has approximately 1,945 hectares of land zoned R2 Low Density Residential and approximately 222 hectares of land zoned R3 Medium Density Residential.
34. It is envisaged that there will be an increase in development applications and complying development certificates for manor housing, dual occupancies and terrace housing in the R3 Medium Density zone and the R2 Low Density Residential zone (dual occupancies only should the amendments in this Planning Proposal be made) once the Low Rise Medium Density Housing Code comes into effect. However, it is expected that manor housing will be the most popular form of development where permissible.

Hurstville Local Environmental Plan 2012 (HLEP 2012)

35. Multi Dwelling Housing and Dual Occupancies are permitted in the R2 Low Density Residential zone and the R3 Medium Density Residential zone. This means that manor houses, terrace houses and dual occupancies could be built under the Code in the former Hurstville LGA.
- Dual occupancies – minimum lot size of 630sqm for Area G or 1000sqm for Area K (Scenic Foreshore Protection Area) in accordance with HLEP 2012
 - Manor Houses – minimum lot size of 600sqm (mandated from the Code)
 - Terraces – minimum lot size of 600sqm for Area G (mandated from the Code) or 500sqm per dwelling for Area K (Scenic Foreshore Protection Area), in accordance with HLEP 2012.

Kogarah Local Environmental Plan 2012 (KLEP 2012)

36. Multi dwelling housing is not permitted in the R2 Low Density Residential zone but is permitted in the R3 Medium Density Residential zone. This means that Terraces and Manor Houses cannot be built in the R2 Low Density Residential zone under the Code or through a development application, but can be built in the R3 Medium Density Residential zone. The 800sqm minimum lot size for multi dwelling housing in the R3 Medium Density Residential zone under KLEP 2012 will apply to terraces but not manor houses, as the minimum lot size for manor houses is mandated under the Code.
37. Dual Occupancy development is permitted in the R2 Low Density Residential zone and the R3 Medium Density Residential zone. This means that Dual

Occupancies can be built on a minimum lot size of 650sqm in the R2 Low Density Residential zone and the R3 Medium Density Residential zone under the Code and through a development application.

38. Items 17 and 18 of Schedule 1 Additional Permitted Uses under KLEP 2012 permit Multi Dwelling Housing on a list of properties that are zoned R2 Low Density Residential. This means Terraces and Manor Houses may be built on land listed in Items 17 and 18 under the Code or via a development application
 - Terraces – minimum lot size of 600sqm (mandated by the Code)
 - Manor Houses – minimum lot size of 600sqm (mandated by the Code)

39. Item 19 of Schedule 1 Additional Permitted Uses under KLEP 2012 permits Dual Occupancy (detached) and Multi Dwelling Housing development. This means that:
 - Dual Occupancy development may be built on land listed in Item 19 under the Code or via a development application
 - Dual Occupancy - minimum lot size 650sqm
 - Terraces and Manor Houses may be built on land listed in Item 19 under the Code or via a development application;
 - Terraces – minimum lot size of 600sqm (mandated by the Code)
 - Manor Houses – minimum lot size of 600sqm (mandated by the Code)

Low Rise Medium Density Housing Code Planning Proposal (Planning Proposal)

40. The following amendments are proposed to KLEP 2012:
 - Amend Schedule 1 Additional Permitted Uses to repeal Items 17 & 18– which permit Multi Dwelling Housing in the R2 zone
 - Amend Schedule 1 Additional Permitted Uses to repeal Item 19 – which permits Multi Dwelling Housing & Dual Occupancy (detached) in the R2 zone
 - Include a new savings transition clause to ensure that the proposed amendments do not affect any current development applications or appeal processes

41. The following amendments are proposed to HLEP 2012:
 - Amend the R2 Low Density Residential zone in the Land Use Table, to prohibit Multi dwelling housing, Multi dwelling housing (terraces) and Manor houses.
 - Increase the minimum lot size for dual occupancies to 650sqm for land identified as “G” on the Lot Size Map in both the R2 Low Density Residential zone and the R3 Medium Density Residential zone. This is to unify the minimum lot size control for dual occupancies between our

LEPs. Only 227 properties are affected by the increase in the minimum lot size from 630sqm to 650sqm (with a 15m frontage) and 303 properties (with a 12m frontage for properties that have a rear laneway) for dual occupancies under Area “G” of HLEP 2012.

- Include a new savings transition clause to ensure that the proposed amendments do not affect any current development applications or appeal processes.

Gateway Determination

42. A Gateway Determination (Gateway) was granted by the State Government on 31 July 2018. The Gateway states that the Planning Proposal should be updated to:
 - a. Remove reference to amending the Environmental Planning and Assessment Regulation 2000, the Standard Instrument – Principal Local Environmental Plan and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)
 - b. Remove references to amendments to controls relating to dual occupancy development under the Codes SEPP
 - c. Provide additional quantitative analysis to assess the impacts of the proposal on housing diversity and supply as follows, but not limited to:
 - i. The total area of land zoned R2 Low Density Residential and R3 Medium Density Residential in the local government area; and
 - ii. The number of multi dwelling housing and dual occupancy developments approved in the R2 Low Density and R3 Medium Density Residential zones in the LGA in the past five years
 - d. Explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community;
 - e. Include a new savings transition clause to ensure that proposed amendments do not affect any development applications or appeal processes; and
 - f. Provide mapping that demonstrates the proposed amendments
43. The Planning Proposal has been amended accordingly – refer to **Attachment 1**. (Note: There are no attachments to the Planning Proposal. The attachments that will be added to the Planning Proposal are separately attached to this report).
44. The purpose of this report is to seek Council’s endorsement to forward the updated Planning Proposal to the State Government prior to public exhibition.

Justification for the approach in the Planning Proposal

45. The reasons/justification for the provisions in the Planning Proposal is that the resulting development permitted under the Code will:
- Homogenise suburbs and destroy the sense of place
 - Cause parking issues due to loss of on street parking and increased occupants
 - Place increased strain on Council's ageing infrastructure
 - Cause community concern due to lack of consultation, increased stigma towards this style of development and the feeling of displacement due to the loss of existing neighbourhood character
 - See an increase in compliance complaints due to building works that are non-compliant with complying development certificates

Multi dwelling housing

46. The proposed expansion of multi dwelling housing to include manor houses and multi dwelling housing (terraces), means that the Multi dwelling housing land use will no longer meet the objectives of the R2 Low Density Residential zone. The purpose of the zone is to provide housing for the community in a low density residential environment, whilst ensuring that a high level of residential amenity is achieved and maintained. Multi dwelling housing is now contrary to these objectives, as it will adversely affect the surrounding residential amenity and the natural and cultural heritage of the area.
47. Council's Housing Strategy (which is now under preparation) will determine where and what land in the LGA has merit on strategic planning and infrastructure grounds to accommodate medium density housing.

Dual occupancy

48. Dual occupancies are permitted with consent in the R2 Low Density Residential zone under HLEP 2012 and KLEP 2012.
49. The following minimum lot sizes (refer to **Table 3**) apply to the LGA for dual occupancy:

Table 3 – Minimum Lot Sizes

HLEP 2012	KLEP 2012
630sqm for Area G	650sqm for Area "O"
1000sqm for Area K (Scenic Foreshore Protection Area)	1000sqm (properties fronting the foreshore) for Area "U"

50. At the Council workshop held on 19 November 2018 discussion centred around the Planning Proposal's adopted increase in the minimum lot size for dual occupancies for Area "G" of HLEP 2012 from 630sqm to 650sqm.
51. There are three options for consideration:
- Status quo - the current controls remain as expressed in the above table,

- b. Decrease the minimum lot size for dual occupancies for Area “O” of the KLEP 2012 from 650m² to 630m², or
 - c. Increase in the minimum lot size for dual occupancies for Area “G” of HLEP 2012 from 630sqm to 650sqm.
52. Option C - an increase in the minimum lot size for dual occupancies for Area “G” of HLEP 2012 from 630sqm to 650sqm would:
- a. Reduce the impact of rows of dual occupancies
 - b. Reduce double driveway proliferation and the resulting loss of street parking
 - c. Protect the function of the R2 Low Density Residential zone, which over time may not have the facilities, infrastructure or services for medium density housing
 - d. Maintain the amenity of the R2 Low Density Residential zone – prevent privacy loss, prevent dominant long walls that overshadow and reduce the dominance of garages
 - e. Prevent significant changes in the bulk and scale and urban form
 - f. Protect substantial plantings and landscaped private open space – the garden suburban landscape which is typical of our LGA
53. This brings the minimum lot size for dual occupancies under Area “G” of HLEP 2012 in line with the minimum lot size for dual occupancies under Area “O” of KLEP 2012, with the intention of protecting the integrity of the R2 Low Density Residential zone and reducing the impact on the R3 Medium Density Residential zone.
54. A figure of 336 properties was provided to the Council Workshop on 19 November 2018. This figure has been readjusted and now only 227 properties are affected by the increase in the minimum lot size from 630sqm to 650sqm (with a 15m frontage) and 303 properties (with a 12m frontage for properties that have a rear laneway) for dual occupancies under Area “G” of HLEP 2012. Further work has been undertaken since the workshop of 19 November, which removed Area K – the area that has a minimum site area of 1000m² for dual occupancy. **Table 4** indicates the updated figures of the properties affected.

Table 4 – Properties Affected by Minimum Lot Size Adjustment

Frontage and lot size	Allotment numbers
15m frontage and 630m ² min lot size	2775
15m frontage and 650m ² min lot size	2548
12m frontage and 630m ² min lot size	3289
12m frontage and 650m ² min lot size	2986

55. Please refer to **Attachment 10** for a map of all properties with a land size of 630sqm – 649 sqm in the former Hurstville Local Government Area that will be affected by this proposed amendment. **Attachment 10** also illustrates the

development applications that Georges River Council and the former Hurstville Council received for a dual occupancy in the former Hurstville Local Government Area, within the last 5 years. Please note that some of the lots shown on the map have since been subdivided in line with the dual occupancy approval.

56. Council will draft new controls for dual occupancies in the R2 Low Density Residential zone (including minimum lot sizes, maximum height, minimum street frontage widths and floor space ratios) in consultation with the community, when drafting the Housing Strategy and the Local Strategic Planning Statement. It is Council's intention that such controls for dual occupancies in our Local Environmental Plans will prevail over the generic controls under the Code. This will ensure that the community can have their say on the scope of dual occupancies in the R2 Low Density Residential zone.

Georges River Local Environmental Plan

57. Council has commenced the process of drafting a principal local environmental plan for the new Georges River LGA and has begun reviewing the existing planning controls and maps. This includes a review of the land use zones, the permitted and prohibited land uses in the land use table for each zone, principle development standards, miscellaneous provisions, local provisions, schedules to the local environmental plans and the diversity of housing that is available in the LGA.
58. Introducing the new Code stands to undermine the strategic planning work that is being carried out by Council in order to responsibly plan for and shape the future of our LGA.
59. The Code and its relevant amendments permit manor houses, multi dwelling housing (terraces) and dual occupancies outside of the legitimate R3 Medium Density Residential zone, in the R2 Low Density Residential zone, with no strategic justification or neighbour consultation and without development consent.
60. The purpose of drafting and maintaining a local environmental plan is to consult with the community on what development should be permitted within the LGA and where growth should be accommodated. It is Council's responsibility to plan for the future, whilst balancing the need to protect the integrity of each zone, the character of our suburbs and the social, environmental and economic values of our community. This represents an attack on local values, local planning and local democracy.
61. Council is currently undertaking the following strategic background studies, in order to make considered planning decisions as to where growth can be accommodated in the LGA, which will shape the Georges River Local Environmental Plan:

Study	Purpose / outcome	Estimated date for completion
Car Parking Strategy	Council resolved on 27 November 2017 to endorse Parking and Traffic Consultants Pty Ltd (PTC) as the successful consultant for the Preparation of a Car Parking Strategy for the Business zoned Land in the Georges River LGA.	March 2018
Strategic Transport Study	<p>Council resolved on 27 November 2017 to commence the preparation of a new city-wide Transport Strategy for the Georges River LGA in 2018.</p> <p>The Transport Strategy is to address all modes of transport including public transport, private vehicles, freight movements, active transport (walking and cycling) and non-government transport services.</p>	12 months from date of appointment of consultant
Commercial Centres Strategy	Council is in the process of preparing a Commercial Centres Strategy. This strategy is intended to review and recommend planning controls (e.g. zoning, height and FSR) for <i>HLEP 2012</i> and <i>KLEP 2012</i> B1, B2, B3, B4 and B6 centres (with the exception of the Beverly Hills Local Centre). The study will also provide activation provisions for all local and strategic centres, create a hierarchy of all local and strategic centres in the Georges River LGA using place-based planning principles as prescribed by the South District Plan, and review the potential for development uplift in the surrounding residential area to support these centres.	First stage – February 2019

Study	Purpose / outcome	Estimated date for completion
	The Commercial Centres Strategy will inform the preparation of the Housing Strategy, the LSPS and the Georges River LEP and DCP.	
Foreshore Access and Improvement Plan	The plan will identify priority areas and projects to enhance and restore foreshore, open space and access linkages.	2019
Review of planning controls for foreshore development in the Georges River Local Government Area	<p>On 12 December 2017, Council resolved to commence the review of all current planning and environmental controls for foreshore and waterfront development and formulate an integrated series of controls that will guide development both below and above the mean high watermark to the ridgeline as viewed from the water.</p> <p>The review will develop a methodology that is consistent for properties fronting the Georges River from Captain Cook Bridge to Salt Pan Creek.</p>	Early 2019
Inclusive Housing Strategy	<p>Council resolved on 27 November 2017 to commence the preparation of an Affordable Rental Housing Policy and associated implementation plan for the Georges River LGA taking into consideration the actions of the Greater Sydney Region Plan and the South District Plan requiring the preparation of Affordable Rental Housing Target Schemes.</p> <p>The Inclusive Housing Strategy will identify</p>	February 2019

Study	Purpose / outcome	Estimated date for completion
	and assess the housing issues within the LGA and identify mechanisms to increase the supply of affordable housing for a wide range of users including seniors, people with a disability, students, key workers, health visitors in the Kogarah Health & Education Precinct and the broader residential market.	
Industrial Lands Review	Georges River Council has commissioned SGS Economics and Planning (SGS) to undertake a more detailed analysis of the industrial precincts across the LGA. This includes detailed demand and supply analysis by land use to better understand the suitability of different precincts for local and strategic industrial uses. This analysis builds on the Georges River Employment Lands Study prepared by Jones Lang LaSalle (JLL) and will inform Council's industrial land assessment framework and future review of planning proposals to rezone industrial land.	December 2018
Transport Management and Accessibility Plan (TMAP)	<p>The original TMAP prepared in June 2013 informed the planning controls for the Hurstville City Centre LEP (Amendment No. 3 to <i>HLEP 2012</i>) in response to the vision for Hurstville as a major Centre for the South District. Since the TMAP was finalised in 2013, a number of changes to the planning controls and significant development has occurred within the Hurstville Town Centre; inconsistent with the original modelling. This has required an update to the TMAP. The key objectives of the Hurstville City Centre TMAP 2018 which is currently being drafted include:</p> <ul style="list-style-type: none"> • modelling the current major development 	Early 2019

Study	Purpose / outcome	Estimated date for completion
	<p>applications and planning proposals and their implications for traffic management in the Hurstville City Centre; and</p> <ul style="list-style-type: none"> • modelling the Hurstville City Centre Urban Design Strategy recommendations and proposed changes to the development standards. <p>The draft TMAP 2018 states that demand for travel is expected to increase in Hurstville, due to its status as a Strategic Centre with good public transport links, and it is earmarked for significant land use densification under the <i>South District Plan 2018</i>. However, Hurstville has a high car-based mode share, except for trips to and from locations that are easily accessible from the railway line.</p> <p>There are capacity constraints on the existing road network, principally on King Georges Road, which although outside the City Centre itself, acts as a pinch point for the network and may inhibit access to and from Hurstville. Other locations also lead to traffic delays, including Railway Parade, Woniara Road and Treacy Street; Queens Road and Park Street. The constraints at these locations are likely to worsen with increased development and mitigation measures should be considered.</p> <p>Encouraging public transport and active transport use is critical to limit the overall impact on the road network. Travel demand management will also be key to limiting the impact on the road network and therefore limiting the requirements for significant amounts of additional road capacity. The transport infrastructure will require some capacity enhancements to cater for the additional demands, with travel demand</p>	

Study	Purpose / outcome	Estimated date for completion
	management, enhanced active transport facilities and fast, efficient and reliable public transport services being key.	
Hurstville City Centre Urban Design Strategy	In December 2016, Council engaged SJB Architects to prepare a draft Hurstville City Centre Urban Design Strategy to review and update the existing urban design principles for the Hurstville City Centre, review the existing development standards (including maximum building height and maximum FSR) and prepare block by block urban design controls.	Completed and adopted in June 2018
Open Space, Recreation and Community Facilities Strategy	<p>The scope of this project is to develop a new Open Space, Recreation and Community Facilities Strategy. The Strategy will:</p> <ul style="list-style-type: none"> • Determine what Georges River Council, adjoining councils and others provide to the community in terms of open space, recreation, library and community facilities with respect to the type, scale and extent. • Identify which areas or types of facilities are currently over-provided or under-supplied, both within the LGA and on a regional level. • Establish how the Council can reconfigure or reorganise its existing service offering to best meet the needs of the existing and future population whilst also considering how Council can make best use of its existing land holdings. • Identify what kind of amenities and services will be needed to meet the demands of future development and growth in the city centre and wider local government area until 2036. • Identify the extent to which adjoining councils and other providers will likely contribute towards the provision of facilities and services to meet future 	Exhibition 3/12/18 - 1/3/19

Study	Purpose / outcome	Estimated date for completion
	demand until 2036.	
Economic Development Strategy	<p>The Economic Development Strategy takes a place-based approach to setting out a plan for local economic development. The principles of the strategy are:</p> <ul style="list-style-type: none"> • Provide the why and how to grow our economy • Outline key characteristics, opportunities and challenges across the LGA and for each key centre as part of growing the local economy • Provide meaningful themes, goals and measureable actions for delivery, and • Support employment and foster business growth, innovation and resilience 	December 2019
Placemaking Strategy	Projects will focus on revitalisation, rejuvenation and reinvention of our town centres and public spaces with the aim of developing safer precincts and assisting the night time economy	Ongoing - commenced
Heritage Review	Review the heritage items under Schedule 5 of <i>HLEP 2012</i>	July 2019
Beverly Hills Masterplan	Articulate a clear vision and provide an urban design framework for the public and private domain, with a view to improve the amenity and quality of the built environment. The Masterplan is to recommend future land use zones, building heights and floor space ratios that will facilitate urban renewal and revitalisation of the area	Stage 1 - Early 2019 Stage 2 – December 2019
Kogarah North Public Domain Plan	To develop a public domain plan for the Kogarah North Precinct that will guide the transformation of the precinct to a new high density residential environment. The plan is to reflect the role of Kogarah North as being	Early 2019

Study	Purpose / outcome	Estimated date for completion
	part of a Strategic Centre; provide streetscape design guidelines for public domain improvements for private development and identify associated costings for a new section 94 Contributions Plan	
Georges River Cultural Strategy	<p>Georges River Cultural Strategy will deliver a structured approach to how Council will:</p> <ul style="list-style-type: none"> • Engage with and inspire the local community • Support the development of more opportunities for the community to participate in arts and cultural activities in their own neighbourhoods • Identify and support local artists • Provide opportunities for local, national and international artists through partnerships and Council programs • Contribute to making the Georges River area a safer and more beautiful place • Create a sense of community cohesion and harmony • Support the many cultures of our community to celebrate their diversity • Make arts and culture inclusive and accessible to all people, irrespective of their background or ability. • Support the creation of a culture of night life and cultural identity • Position ourselves as a culture destination and generate tourism to the area 	Early 2019
Addendum to the Strategic Traffic and Transport Assessment Report for the amendment to Kogarah LEP 2012 (New City Plan)	<p>This addendum will:</p> <ul style="list-style-type: none"> • Review the work undertaken with respect to the predicted estimated traffic generation for the identified Precincts in Council's Strategic Traffic and Transport Assessment Report; and • Identify any potential impacts from the future proposed development to the 	Early 2019

Study	Purpose / outcome	Estimated date for completion
	<p>State and Regional Road Networks adjacent to the identified Precincts, including any impacts to intersections from local roads onto State and Regional Roads and local roads onto local roads; and</p> <ul style="list-style-type: none"> • Make recommendations for proposed mitigation measures that may be required to mitigate the impacts of development on the Local, State and Regional Road Network from any proposed future redevelopment; and • Suggested costings and timeframes for the implementation of the mitigation measures that can be incorporated into a Development Contributions Plan and a Voluntary Planning Agreement public benefits list. 	
Georges River Estuary Coastal Zone Management Plan - to be transitioned into a Coastal Management Program	The Georges River Estuary Coastal Zone Management Plan (CZMP) is a strategic document aimed at providing clear direction and guidance on future land use and environmental planning as well as on-the-ground management actions across the estuary, and its broader catchment.	2020-2021
Cooks River Catchment Management Plan		TBD
Cooks River Stormwater Improvement Strategy		TBD
Tree Management Policy	To provide a direction and a consistent approach to the management of trees on both public and private lands within the Georges River local government area	Early 2019
Canopy Enhancement Program		December 2018

62. The proposed changes to medium density housing are inconsistent with the NSW Government's Greater Sydney Region Plan and South District Plan which require the preparation of a Housing Strategy:
- To "identify the right locations for growth, including areas that are unsuitable for significant change in the short to medium term" (Greater Sydney Region Plan, Objective 10, p. 64); and
 - "play an important role in planning new housing that creates more liveable neighbourhoods and meet demand by responding to" "housing need", "diversity", "market preferences", "alignment of infrastructure", "displacement", "amenity", "engagement" and "efficiency" " (Greater Sydney Region Plan, Objective 10, p. 64).
63. It is also inconsistent with the recent consolidation of the EP&A Act, requiring the drafting of a Community Participation Plan and Local Strategic Planning Statement.
64. Council requests the opportunity to identify its capacity to provide additional housing in its LGA through the drafting of a Housing Strategy, a Local Strategic Planning Statement and the drafting of a principal local environmental plan. Without such strategic direction, a patchwork type approach will ensue under the Code, which will not meet the requirements of the South District Plan and will not be in the best interests of the community now and into the future.

Next Steps

65. If this report is adopted, the amended Planning Proposal will be forwarded to the Department of Planning and Environment.
66. Once the Department is satisfied with the changes, the amended Planning Proposal will be placed on community consultation. This will be conducted in February 2019.
67. The results of the community consultation will be reported to Council in April 2019.

Financial Implications

68. The work and exhibition costs of this Planning Proposal are within the budget allocation under Cost Centre 2500.

Risk Implications

69. There are risks associated if this report is not supported by Council.
70. Council has been granted a deferral from the Code in the Georges River LGA until 1 July 2019. After that date – unless this Planning Proposal has been translated into an LEP amendment and gazetted - the Code will apply as follows:
- a. Under the area zoned R2 Low Density Residential under the HLEP 2012, Manor Houses, Terrace Houses and Dual Occupancies will be able to be built under the Code or via a development application.

- b. Under the area zoned R3 Medium Density Residential under the KLEP 2012, Terraces and Manor Houses will be able to be built under the Code or via a development application.
- c. Terraces and Manor Houses may be built on land listed in Items 17 and 18 Schedule 1 Additional Permitted Uses under KLEP 2012 under the Code or via a development application. This land is zoned R2 Low Density Residential.
- d. Dual Occupancy development may be built on land listed in Item 19 of Schedule 1 Additional Permitted Uses under KLEP 2012 under the Code or via a development application. This land is zoned R2 Low Density Residential.
- e. Terraces and Manor Houses may be built on land listed in Item 19 of Schedule 1 Additional Permitted Uses under KLEP 2012 under the Code or via a development application. This land is zoned R2 Low Density Residential.

71. There is strong community opposition to what is perceived to being overdevelopment and the loss of character and place. This message is seen in letters to the Local members and into Council.

Community Engagement

72. Community engagement will be conducted including:

- The Planning Proposal will be exhibited for a period of twenty eight (28) days in accordance with the provisions of the *EP&A Act 1979* and the *Environmental Planning & Assessment Regulation 2000* and any requirements of the Gateway Determination.
- Exhibition material, including explanatory information, land to which the Planning Proposal applies, description of the objectives and intended outcomes, copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council's website and hard copies available at Council offices and libraries.
- Notification of the public exhibition will be through:
 - Newspaper advertisement in The St George and Sutherland Shire Leader
 - Exhibition notice on Council's website through the Have Your Say webpage
 - Notices in Council offices and libraries
 - Letters to State and Commonwealth Government agencies if identified in the Gateway Determination
 - Letters to affected landowners
 - Drop in Sessions

File Reference

D18/250750

ATTACHMENTS

Attachment 1	Planning Proposal
Attachment 2	25 June 2018 Council Report and Resolution - Referred to as Attachment 1 in the Planning Proposal
Attachment 3	Gateway Determination dated 31 July 2018 - Referred to as Attachment 2 in the Planning Proposal
Attachment 4	R2 Low Density Residential and R3 Medium Density Residential maps
Attachment 5	Land where dual occupancies may be built under the Low Rise Medium Density Housing Code in the Georges River LGA map
Attachment 6	Land where manor houses may be built under the Low Rise Medium Density Housing Code in the Georges River LGA map
Attachment 7	Land where multi dwelling housing (terraces) may be built under the Low Rise Medium Density Housing Code in the Georges River LGA Map
Attachment 8	Items 17, 18 and 19 under Schedule 1 Additional Permitted Uses of Kogarah Local Environmental Plan 2012
Attachment 9	Medium Density Housing Approvals 2013 - 2018 (August)
Attachment 10	Properties with a land size of 630sqm - 649 sqm in the former Hurstville Local Government Area Map