

City Planning

Planning Proposal Removal of Multi Dwelling Housing from the R2 Low Density Residential Zone

August 2020

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1.0 Introduction

This Planning Proposal has been prepared by the City of Ryde Council as the first stage of implementing the *City of Ryde Local Housing Strategy 2020* (The Strategy). The Strategy proposes several actions to ensure that the existing hierarchy of residential zones, representing low, medium and high-density residential development within Ryde, is maintained and protected into the future.

Ryde LEP 2014 has five zones where residential development is permitted, the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Residential Density and the B4 Mixed Use zone. Each zone has a unique character, established through the land use types and the density of development permitted in the zone which ensures that a diversity of housing styles and lifestyle choice are available throughout the City of Ryde. These zones have been established and maintained such that development anticipated in each zone can be adequately supported by infrastructure and services.

In recent years, parts of the LGA have supported historically high residential growth associated with urban renewal, delivery of mass transit and State planning initiatives. Having already gone through a period of significant growth, the Ryde community has indicated that it wants to see balance in how their neighbourhoods and centres accommodate this growth.

A draft Local Housing Strategy has been prepared which has developed a vision and staged implementation plan, balancing the North District Plan's housing targets and the need for housing growth with the community's desire to:

- Improve sustainability and design outcomes for the LGA as part of the provision of new housing,
- Protect the natural environment, water catchments and biodiversity of the LGA,
- Maintain suburban character compared with the emerging high-density character of urban renewal areas,
- Ensure that population and housing growth is matched with the provision of infrastructure, services and community facilities,
- Support communities by providing housing choice that is appropriate to the LGA's demography.

The draft Local Housing Strategy has reviewed current and future population forecasts and housing needs and sets out a plan for delivery of new housing in the LGA for the next 10 to 20 years. The Strategy has considered the driving forces and implications of housing growth and has proposed actions to deliver sustainable and diverse housing.

The Strategy has identified that the introduction of *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Housing Diversity Code)* (Formerly known as *Low Rise Medium Density Housing*) (Part 3B of SEPP) has a significant potential to increase residential density, in the R2 Low Density Zone in

particular, to levels that will detrimentally impact the character and amenity of this zone. The growth would also outstrip the capacity of the current and planned infrastructure, making this uncontrolled growth unsustainable.

The Codes SEPP is not anticipated to have any impact on the R1 General Residential and the R3 Medium Density Residential zones on the Ryde LGA as these zones currently have a limited footprint, they are fully developed and have no additional capacity for development. A future phase of the Housing Strategy implementation would include investigation of expansion of the R3 zone in certain areas surrounding existing centres.

Multi dwelling housing in Ryde is permitted in the R2 zone but only subject to compliance with Ryde LEP 2014 controls that allow housing choice at a density which is commensurate with supporting infrastructure and is sympathetic to the character and objectives of a low-density residential zone.

Due to Multi dwelling housing being permitted in the R2 zone, under the SEPP *Manor Houses*, a form of Residential Flat Building, and *Multi dwelling housing* (terraces) will be permitted as Complying Development in the R2 zone.

The SEPP will retain the minimum lot size specified for Dual Occupancy and Multi Dwelling Housing in the Ryde LEP 2014. However, other site requirements and controls are reduced from those required under Ryde LEP 2014 resulting in a significant increase in the number of allotments eligible to be developed for Dual Occupancy and Multi Dwelling Housing.

The draft Housing Strategy has estimated that Part 3B of the SEPP would increase the LGA's theoretical dwelling capacity in the R2 zone from the current estimate of 5,252 to approximately 19,127 additional dwellings. This, up to 13,875 dwelling, increase would have a significant adverse impact on the existing character of the R2 Zone; undermine the existing hierarchy of the residential zones; would not be consistent with existing or proposed infrastructure capacities and would not be sustainable into the future.

To address this matter the draft Strategy has proposed a staged approach to housing delivery that would mitigate the above impacts in the short term which would allow time for additional work to focus housing delivery in appropriate locations that will provide a balanced mix of low, medium and high density housing within the City.

In response to the Strategy recommendations to mitigate, in the short term, the impacts from Part 3B of the SEPP this Planning Proposal proposes the following changes to Ryde LEP 2014 as follows:

1. Delete from Ryde LEP 2014:

- (1) *Multi dwelling housing* from the R2 Low Density Residential Zone Land Use Table
- (2) Delete *Clause 4.5A – Density Controls for Zone R2 Low Density Residential*

2. Amend *Clause 4.1A – Dual Occupancy (Attached) Subdivisions* in Ryde LEP 2014 subdivision controls to:

- (1) a. retain Torrens title subdivision of all such development constructed and an occupation certificate issued prior to this planning proposal coming into effect,
b. define the Torrens title subdivision development controls for *Dual Occupancies (Attached)* that will apply after the commencement of this planning proposal, being;
 - i. Minimum lot size for subdivision being at least $750m^2$ with *primary* road frontage of not less than *12.0m*,
 - ii. One dwelling must be situated on each allotment that must have a minimum lot size of $375m^2$ and primary road frontage of not less than *6.0m*.
- (2) Permit Strata subdivision of Dual Occupancy if the land has an area of at least $750m^2$
- (3) Insert a savings and transitional Clause so that the commencement of this planning proposal does not affect assessment and appeal processes for development applications lodged before, but not determined prior to, the commencement of this Amendment No.???

3. Amend *Clause 4.1B – Minimum Lot Sizes for Dual occupancies and Multi Dwelling Housing* in Ryde LEP 2014 to:

- (1) Delete all references to *Multi Dwelling Housing* from the Clause title and within the Clause,
- (2) Replace the road frontage control of 20 metres with 12 metres,
- (3) Insert the word *Primary* before the words *road frontage of the lot*,
- (4) In column 2 delete the Dual Occupancy (attached) lot size of 580 square metres and replace with 750 square metres.

The proposed changes would ensure that the introduction under the SEPP of *Manor Houses* and *Multi dwelling housing (terraces)* does not occur in the R2 Low Density Residential zone of the City of Ryde. Instead, such development would be limited to those medium to higher density zones where such development types are consistent with the character and supporting infrastructure.

Stage two of the implementation of the Housing Strategy would then be, amongst other actions, to investigate the more appropriate areas for provision of medium density housing to fulfil the need for this type of housing and to provide for transition areas from high density to low density residential development.

1.1 Background

City of Ryde's guiding principles for the provision of housing diversity in the R2 zone has been to provide varied housing forms that are compatible and sympathetic with the conventional detached dwelling house, while maintaining the existing character of residential neighbourhoods and preserving and enhancing the residential amenity of the City.

Villa/Multi-dwelling housing (since 1983) and Dual Occupancy developments (since 1995) have been permitted within the R2 zone as part of the above principles. More recently, Council has also supported the Torrens title subdivision of dual occupancy developments. Successful integration of such development types in the R2 zone has been achieved through detailed consideration and community consultation of the required development controls needed to achieve high-quality design outcomes and the individual assessment of a site's suitability for such development. It has also been achieved by ensuring required infrastructure to support the changes has been available. These forms of development are permitted only where it is commensurate with available infrastructure capacity.

Although *Dual Occupancy (attached)* and *Multi dwelling housing* is a form of medium density development, minimum site area and density requirements, as currently specified in Ryde LEP 2014, has ensured that such development has achieved successful integration into a low density residential zone.

The development standards in Ryde LEP 2014 (Clause 4.1B and Clause 4.5A) for both Multi dwelling housing and Dual Occupancy (attached) were specifically aimed at ensuring:

- that the resultant built form was at a similar scale to existing residential development in the R2 zone.
- consistency with the objectives of the R2 the zone, in particular:
 - *To provide for the housing needs of the community **within a low density residential environment** and*
 - *To provide for a variety of housing types*
- consistency with the aims of Ryde LEP 2014 including:
 - (b) *to provide opportunities for a range of housing types that **are consistent** with adjoining development and the existing environmental character of the locality, and*

(c) to **preserve and improve the existing character**, amenity and environmental quality of the land to which this Plan applies,

1.2 State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Housing Diversity Code (formerly known as Low Rise Medium Density Housing) (Part 3B of Codes SEPP)

Part 3B of the SEPP allows dual occupancies, manor houses and terraces (up to two storeys), that meet the SEPP's requirements, under a fast track complying development approval. A development proposal must meet all of the development standards in the SEPP and the Design Criteria in the supporting Low Rise Housing Diversity Design Guide, (formerly known as the Low Rise Medium Density Design Guide for complying development and the Low Rise Housing Diversity Design Guide for Development Applications if applying as a Development Application). A complying development certificate can be issued within 20 days, by Council or a Private Certifier, if the proposal complies with all the relevant requirements in the SEPP. Low rise medium density housing as complying development is only permitted where the council allows Multi Dwelling Housing as a permitted use in the following zones under their Local Environmental Plan (LEP):

- Zone RU5 Village,
- Zone R1 General Residential,
- Zone R2 Low Density Residential,
- Zone R3 Medium Density Residential.

The City of Ryde Council currently permits Multi Dwelling Housing in the R2 Low Density Residential and R3 Medium Density Residential zones.

Manor houses and multi dwelling housing (terraces) are two new land use terms introduced under the SEPP. They are defined in the SEPP as follows:

manor house: means a residential flat 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).

multi dwelling housing (terraces) means multi dwelling housing ⁽¹⁾ where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.

Note: (1)

Multi Dwelling Housing is defined in the Ryde Local Environmental Plan 2014 (LEP) as:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.)

(The SEPP utilises this definition and expands as per above.



Figure 1: Spectrum of housing Types

(Source: *Low Rise Housing Diversity Guide for Complying Development*, Department of Planning, Industry and Environment, 2020, (formerly known as the *Low Rise Medium Density Design Guide for Complying Development*, Department of Planning and Environment, 2018))

Figure 1 above provides a visual representation of the different housing types in a streetscape scenario.

The SEPP permits manor houses and “Multi dwelling housing (terraces)” where Multi Dwelling Housing or Residential Flat Buildings (or both) are permitted in a council’s LEP. As mentioned previously, Multi Dwelling Housing is a permitted use in the R2 Low Density Residential Zone of the Ryde LEP 2014. Dual occupancies (attached) are also permitted in the R2 zone of Ryde LEP 2014 and are defined as follows:

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of dual occupancy

Dual occupancies under the SEPP are permitted where council’s LEP permits dual occupancies.

This means that when the SEPP applies to the Ryde Local Government Area (LGA), applicants may lodge a development application under the LEP or carry out complying development under the SEPP for manor houses, multi dwelling housing (terraces) or dual occupancies, where they are permitted in a zone.

The introduction of the SEPP is anticipated, as indicated in the draft Ryde Local Housing Strategy, to have significant impacts on the density in the R2 Low Density Residential zone and has been the principal reason for preparing this planning proposal.

1.3 Comparison of Ryde LEP 2014 and Part 3B of Codes SEPP Controls

With the introduction of Part 3B of the SEPP, much of the planning controls in Ryde LEP 2014 for *Dual Occupancy*, *Multi dwelling housing* and *Manor Houses* will be significantly relaxed, with the exception of the minimum lot size specified for Dual Occupancy and Multi Dwelling Housing. These developments would be complying development under the SEPP and the current design and development standards will no longer apply.

There are two ways in which a comparison may be made. The first is via a Theoretical Maximum Dwelling Yield (See Table 1) which is based on the highest dwelling yield achievable on the lot. The second is via a 'raw lot count' based on the lot requirements for each dwelling type (See Tables 2, 3 and 4) which does not take into account the highest dwelling yield but rather the permissibility of each dwelling type on the lot. This method will result in eligible lots being counted multiple times.

Note: Whilst these two methods make separate comparisons for the proposed changes, they must not be used to compare dwelling yields due to the fact that they use different base assumptions. Multiplying the lot count by the dwelling type will result in double counting of some lots which will distort the projections.

The following comparisons relate only to the R2 Low Density Residential zoned areas within the Ryde LEP 2014. The comparisons do not include the R1 General Residential and the R3 Medium Density Residential zoned land as currently those areas are fully developed and have no additional dwelling capacity. Future investigations and planning proposals will consider the expansion of the R3 zone surrounding existing centres supported by infrastructure.

A comparison of the existing Ryde LEP 2014 controls, the SEPP Part 3B planning control changes and the anticipated impacts on theoretical dwelling capacity is shown in Table 1. The analysis was revised on 30 June 2020 to include consideration of heritage items. Lots have been excluded if they are currently identified in RLEP 2014 or identified in a draft RLEP 2014 LEP as containing a heritage item. The exclusion of heritage items resulted in a reduction in potential manor house lots of approximately 530 lots from the original assessment.

Other exclusions, such as bush fire hazard and flood hazard and general site constraints have not been excluded, as those restrictions can potentially be addressed by engineering or design interventions. Acid Sulfate Soils affected areas have also not been excluded as the majority of these Class 1 and 2 affected areas are not in residential zoned areas and any lots that are impacted are very minor and do not contribute significantly to the development potential counts.

The planning controls and assumptions applied in Table 1 to obtain Theoretical Maximum Dwelling Yield are summarised below:

Base RLEP 2014 Controls	Code SEPP Controls
<ul style="list-style-type: none"> • Strata lots were excluded because they are unlikely to be suitable for redevelopment for dual occupancy and multi dwelling house development • Lots with primary frontages under 20 m were excluded • Lots between 580 and 900 m² are dual occupancy capable • Lots between 900 m² and above are capable of 3 dwelling multi dwelling housing, with a further dwelling every 300 m². 	<ul style="list-style-type: none"> • Strata lots were excluded because they are unlikely to be suitable for redevelopment for dual occupancy and manor house development • Lots with a frontage under 15 m have been excluded • Lots between 580 and 600 m² are dual occupancy capable • Lots between 600 and 1,000 m² are 3-dwelling manor house capable • Lots over 1,000 m² are 4-dwelling manor house capable • A separate scenario was considered where multi dwelling housing units were prohibited, with dual occupancy unit capacity assumed instead.

MDH (terraces) were excluded from the Code SEPP analysis due to the reliance on RLEP 2014 MDH minimum lot sizes (900 m²). Due to the interaction between the minimum lot size and the Codes SEPP 18 m minimum frontage for three dwellings (plus 6 m per additional dwelling), manor houses were almost always a higher dwelling yield option with more reliable outcomes.

Table 1: Comparison of existing and anticipated SEPP Part 3B planning controls on Theoretical Maximum Dwelling Yield

Scenario	Dual Occ	Multi-Dwelling	Theoretical maximum dwelling yield
Existing RLEP 2014 controls, Dual Occupancy and Multi Dwelling Housing permitted: 20+ m primary frontage	2,987 lots 2,987 additional dwellings (Min Lot Size $\geq 580m^2$ & $< 900m^2$)	949 lots 2,265 additional dwellings (Min Lot Size $\geq 900m^2$)	3,936 lots 5,252 additional dwellings
RLEP 2014 controls, if Dual Occupancy only permitted: 20+ m primary frontage	3,936 lots 3,936 additional dwellings	-	3,936 lots 3,936 additional dwellings
Codes SEPP controls, Dual Occupancy 15 m frontage and Multi Dwelling Housing permitted: 15+ m frontage, with existing dual occupancy minimum lot size	3,500 lots 3,500 additional dwellings (Min Lot Size $\geq 580m^2$ & $< 600m^2$)	(Manor House Only) 7,405 lots 15,627 additional dwellings (Min Lot Size $\geq 600m^2$)	10,905 lots 19,127 additional dwellings
Codes SEPP controls, only Dual Occupancy 15 m frontage permitted: 15+ m frontage, with proposed dual occupancy minimum lot size	10,905 lots 10,905 additional dwellings	-	10,905 lots 10,905 additional dwellings
Post planning proposal, only Dual Occupancy. Minimum lot size $\geq 750m^2$ and 12m frontage permitted	4,203 Lots 4,203 additional dwellings	-	4,203 Lots 4,203 additional dwellings
Post planning proposal, only Dual Occupancy. Minimum lot size $\geq 750m^2$ and 15m frontage permitted	3,551 Lots 3,551 additional dwellings	-	3,551 Lots 3,551 additional dwellings

Source: Gateway Analysis – Review of Medium Density Housing Capacity, HillPDA 30 June 2020 & 13 August 2020.

The resultant development (potential increase, as shown above, of up to an additional 13,875 dwellings in the R2 zone) would be at a density representative of a form of housing typology more appropriately located in medium density zones such as the R1 and R3 zones.

A comparison of the raw number of lots available is shown in the following tables 2, 3 & 4. These numbers are based on the lot requirements for each dwelling type under the current controls, Codes SEPP controls and post planning proposal controls.

Table 2 Potential medium density housing lots (Current RLEP 2014)

Housing type	Minimum Lot Size	Minimum Frontage	Lot Count
Dual occupancy	≥ 580m ²	20m	3,936
Multi dwelling housing	≥ 900m ²	20m	949

Table 3 Potential medium density housing lots (Current Codes SEPP)

Housing type	Minimum Lot Size	Minimum Frontage	Lot Count
Dual occupancy (Codes SEPP)	≥ 580m ²	15m	10,905
Manor house (Codes SEPP)	≥ 600m ²	15m	7,405
Terrace house (Codes SEPP)	≥ 900m ²	21m	452

Table 4 Potential medium density housing lots (Codes SEPP post planning proposal)

Housing type	Minimum Lot Size	Minimum Frontage	Lot Count
Dual occupancy (Codes SEPP post planning proposal)	≥ 750m ²	15m	3,551

NOTE:

- The above 'raw number of lots' available must not be used as a direct comparison to the theoretical maximum dwelling yield as the same lot can be counted multiple times, e.g., a 700m² and 18m wide frontage lot would be counted for Dual Occupancy (CDC) and Manor House (CDC) lot.
- Theoretical maximum dwelling yield is based on the above lot requirements plus additional likely development and market factors that would apply to gain the maximum dwelling potential for each lot.

The above available lot comparison indicates that the introduction of the Codes SEPP, prior to the planning proposal, will increase the number of available lots for multi dwelling housing by up to 6,969 lots (10,905 minus 3,936). After the commencement of the planning proposal there would be a minor reduction of available lots from 3,936 to 3,551, or 385 lots.

Multi dwelling housing and Dual Occupancy (attached) development are only suitable in the R2 Low Density zone if they can be developed at a density level that reflects the low density nature of the zone. Council wishes to retain and improve diversity of housing choice, but in the most appropriate locations where the development retains local character and can be serviced by infrastructure.

This planning proposal proposes the deletion of Multi Dwelling Housing as a permitted use in the R2 Low Density Residential Zone. Once this occurs, Manor Houses and Multi Dwelling Housing (terraces) cannot be developed in the R2 zone, whether it is through a complying development certificate or development consent.

This planning proposal also proposes to amend the controls applicable to Dual Occupancy (attached) development by reducing the minimum lot width from 20m to 12m and increasing the lot size from 580m² to 750m².

The changes proposed are to prevent the unintended adverse impacts that Part 3B of the SEPP will have in the R2 zone. Housing diversity will still be available in the R2 zone through land uses such as dual occupancy (attached), secondary dwellings, boarding houses etc., and through retention of the zone hierarchy within the Ryde LEP 2014. Council's Housing Strategy also proposes the investigation of areas for additional medium density residential development where appropriate.

1.4 Development and infrastructure

A further potential for an additional 13,875 dwellings into the R2 zone, as a result of the Codes SEPP, with no consideration of the infrastructure needed to support such an increase is grossly inappropriate and will result in a total failure of the existing infrastructure to service the needs of the community.

The need to match development with infrastructure is highlighted in the State Governments **Greater Sydney Regional Plan - A Metropolis of Three Cities** which states the following:

More housing in the right locations

*Creating capacity for new housing in the right locations requires clear criteria for where capacity is to be located. **Accommodating homes needs to be linked to local infrastructure** – both to optimise existing infrastructure and to maximise investment in new infrastructure (p 61).*

Local infill development

Local infill development – the missing middle – refers to medium density housing such as villas and townhouses within existing areas, that provide greater housing variety.

Councils are in the best position to investigate and confirm which parts of their local government areas are suited to additional medium density opportunities (p 61).

To maintain the character of the R2 zone; ensure infrastructure can adequately support any additional dwellings in that zone; and maintain a hierarchy of different residential zones in the City, it is necessary to delete Multi dwelling housing from the R2 Low Density Residential Land Use Table.

1.5 Housing Targets

Council has prepared a Local Housing Strategy in line with the requirements of both the Greater Sydney Regional Plan *A Metropolis of Three Cities* and the *North District Plan* to determine the most appropriate ways to meet the housing targets identified in those State Plans for the City of Ryde.

The *North District Plan* (NDP) includes a 5 year housing target for the City of Ryde of **7,600** dwelling completions. In addition, the NDP states that each Council is to develop 6–10 year housing targets through its Housing Strategy.

The Ryde Housing Strategy has determined, based on existing approvals and development in the ‘pipeline’ that Ryde Council will exceed the 7,600 housing target set in the *North District Plan* and should achieve in the vicinity of 12,500 dwellings in the 5 year period. (This does not include the proposed changes under Part 3B of the SEPP. If those were included, as stated previously, this figure would be in the vicinity of 19,000 additional dwellings).

The existing ‘pipeline’ development in Ryde is well in excess of the 7,600 dwellings required by the *North District Plan*. The evidence base for this determination is contained in the draft Local Housing Strategy (attached).

The Department of Planning and Environment advised Council on the 22 May 2018 the following:

The Minister has advised that he would consider deferring the commencement of the code to allow council's in the Greater Sydney Region to rectify local planning controls to meet the strategic intent of each council area. This deferral only applies to residential flat buildings (including manor houses and multi dwelling housing (including terraces) in the R2 zone where the current planning controls or the new code permit them.

The commencement of Part 3B of the SEPP was deferred by the Minister until July 2020. Council utilised that time from May 2018 to gather the evidence base needed prior to proposing changes to the local planning controls. This planning proposal is the result of that evidence gathering process that has included the preparation of the Local Strategic Planning Statement and the Local Housing Strategy.

The City of Ryde, as recognised by the State Government and the Minister for Planning, has consistently met and exceeded all dwelling targets set resulting in considerable infrastructure pressures. The additional dwelling potential under the Part 3B of the SEPP far outstrips the target set by the Greater Sydney Commission and are unnecessary for Council to meet that target.

The approvals, by dwelling type, issued for the R2 Low Density Residential and R3 Multi Dwelling Residential zones in the Ryde LGA for the last five years (January 2015 – December 2019) are listed in Tables 5a & 5b. For context in relation to housing targets,

Table 5c is also included showing the total number of dwelling approvals in all zones in the Ryde LGA for the same 5 year period.

Table 5a: Annual dwelling approvals for past 5 years by dwelling type in **R2 Low Density Residential Zone.**

	2015	2016	2017	2018	2019
Dual Occupancies (Attached)	75	76	93	31	54
Multi Dwelling Housing	62	39	77	39	47
Other (Secondary Dwellings, Boarding houses, etc.)	158	133	124	101	12

Source: Ryde Council Housing Issues Paper, January 2019 and Council development records.

Table 5b: Annual dwelling approvals for past 5 years by dwelling type in **R3 Medium Density Residential Zone.**

	2015	2016	2017	2018	2019
Dual Occupancies (Attached)	Nil	Nil	Nil	39	Nil
Multi Dwelling Housing	Nil	Nil	Nil	12	Nil
Other (Secondary Dwellings, Boarding houses, etc.)	Nil	Nil	Nil	8	Nil

Source: Ryde Council Housing Issues Paper, January 2019 and Council development records.

As seen in Tables 5a & 5b above the 5 years from 2015 to 2019 have seen a relatively steady delivery of dwelling approvals in the R2 zone with the peak being in 2017. The R3 zoned area in the LGA is limited in area and, as mentioned elsewhere in this planning proposal, the R3 zoned land has no further capacity for development.

Despite the above, the Ryde LGA has experienced substantial growth in apartments in the centres and growth precincts over this time. This is shown in Table 5c that shows the total dwelling approvals in all zones in the Ryde LGA for the 5 years 2016 – 2019.

Table 5c: Total annual dwelling approvals for past 5 years – **All zones**

Additional Dwellings 2015	Additional Dwellings 2016	Additional Dwellings 2017	Additional Dwellings 2018	Additional Dwellings 2019
2,473	2,679	4,734	3,247	1,185

Source: Ryde Council Housing Issues Paper, January 2019 and Council development records.

Under the Codes SEPP, it is not possible for Council or others to provide tailored controls to guide the provision of *Multi dwelling housing* development in the R2 zone. It is evidenced in the draft Ryde Local Housing Strategy that the focused provision of *medium*

density housing developments such as *multi dwelling housing*, in medium density housing zones and the removal of *Multi Dwelling Housing* from the *R2 Low Density Residential* zone is required to maintain the character of the R2 Low Density Zone whilst delivering housing choice and supply.

2.0 The Planning Proposal

This Planning Proposal has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (in particular, Section 3.33) and the relevant guidelines produced by the Department of Planning and Environment.

The Department of Planning and Environment requires a Planning Proposal to cover five main parts which form the basis of this document as follows:

- Part 1 – Statement of Objectives and Intended Outcomes of the proposed LEP (refer to 3.0 of the Planning Proposal)
- Part 2 – Explanation of the Provisions to be included in the LEP (refer to 4.0 of the Planning Proposal)
- Part 3 – Justification of objectives, outcomes and process for implementation (refer to 5.0 of the Planning Proposal)
- Part 4 – Maps to identify intent and applicable area (refer to 6.0 of the Planning Proposal)
- Part 5 – Community Consultation proposed to be undertaken on the Draft LEP (refer to 7.0 of the Planning Proposal)

2.1 Site Description and Context

This planning proposal applies to all land zoned R2 Low Density Residential under Ryde LEP 2014 (RLEP 2014).

RLEP 2014 identifies the objectives of the R2 Low Density Residential Zone:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a variety of housing types

The Ryde LGA has an area of 4,065.1 hectares and lies in the central northern part of the Sydney Metropolitan area, occupying most of the river catchment divide between the Parramatta and Lane Cove rivers. The topography varies from river foreshores, remnant bushland and National Parks with some steep areas in the residentially zoned land. There is a wide variety of retail and manufacturing establishments and approximately 265 hectares of local open space inclusive of the natural areas

The R2 Low Density Residential zone is the largest zone in the LGA and has a total land area of 2,081.69 hectares. This zone is characterised as being low density in scale containing predominately one and two storey dwelling houses, with dual occupancies and one/two storey multi dwelling housing being intermittently dispersed throughout the zone. Large green open spaces created by backyards in all forms of housing are a significant characteristic of the R2 zone (see Figure 2).

The R3 Medium Density Residential Zone in the RLEP 2014 has a current total area of 18.4465 hectares. This zone is currently a small area and it is intended, as part of the recommendations of the draft Ryde Local Housing Strategy, to investigate suitable locations for expansion of this zone to accommodate growth in medium density housing.

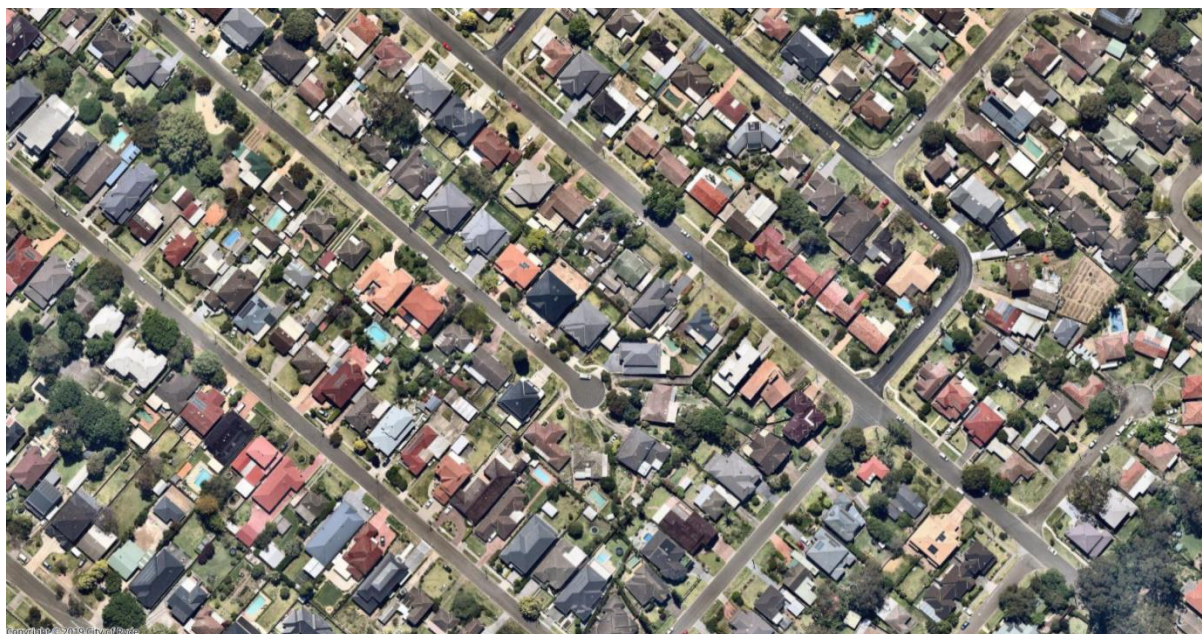


Figure 2

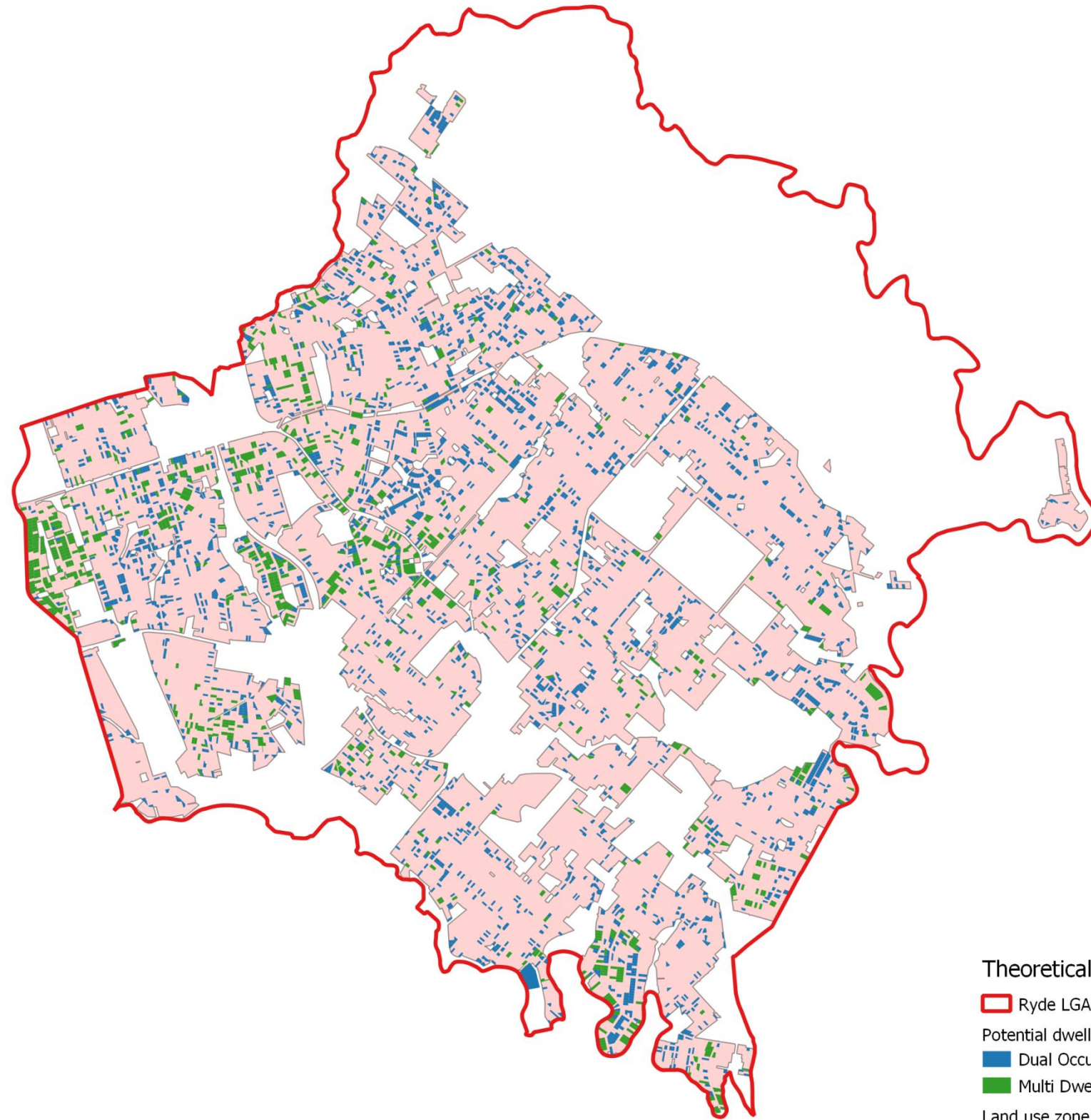
There are approximately 26,789 allotments in the R2 Low Density Residential zone in the City of Ryde.

Under the current planning controls contained in the Ryde LEP 2014, including the density controls, Multi Dwelling Housing and Dual Occupancy (Attached) developments are permitted. Under these controls, and shown in Table 1, there is a potential for a theoretical development capacity of approximately 3,936 lots (5,252 additional dwellings) currently eligible to be developed for both Dual Occupancy and Multi dwelling housing. (Made up of 2,987 lots (2,987 additional dwellings) for Dual Occupancy and 949 lots (2,265 additional dwellings) for Multi Dwelling developments).

Figure 3 shows a visual representation of the distribution of this theoretical capacity.

The introduction of Part 3B of the Codes SEPP will increase the number of allotments eligible for multi dwelling housing and dual occupancies from the above 3,936 lots to 6,969 lots (see Table 3) or up to 13,875 additional dwellings (see Table 1).

The visual representation of this increased distribution is shown in Figure 4.



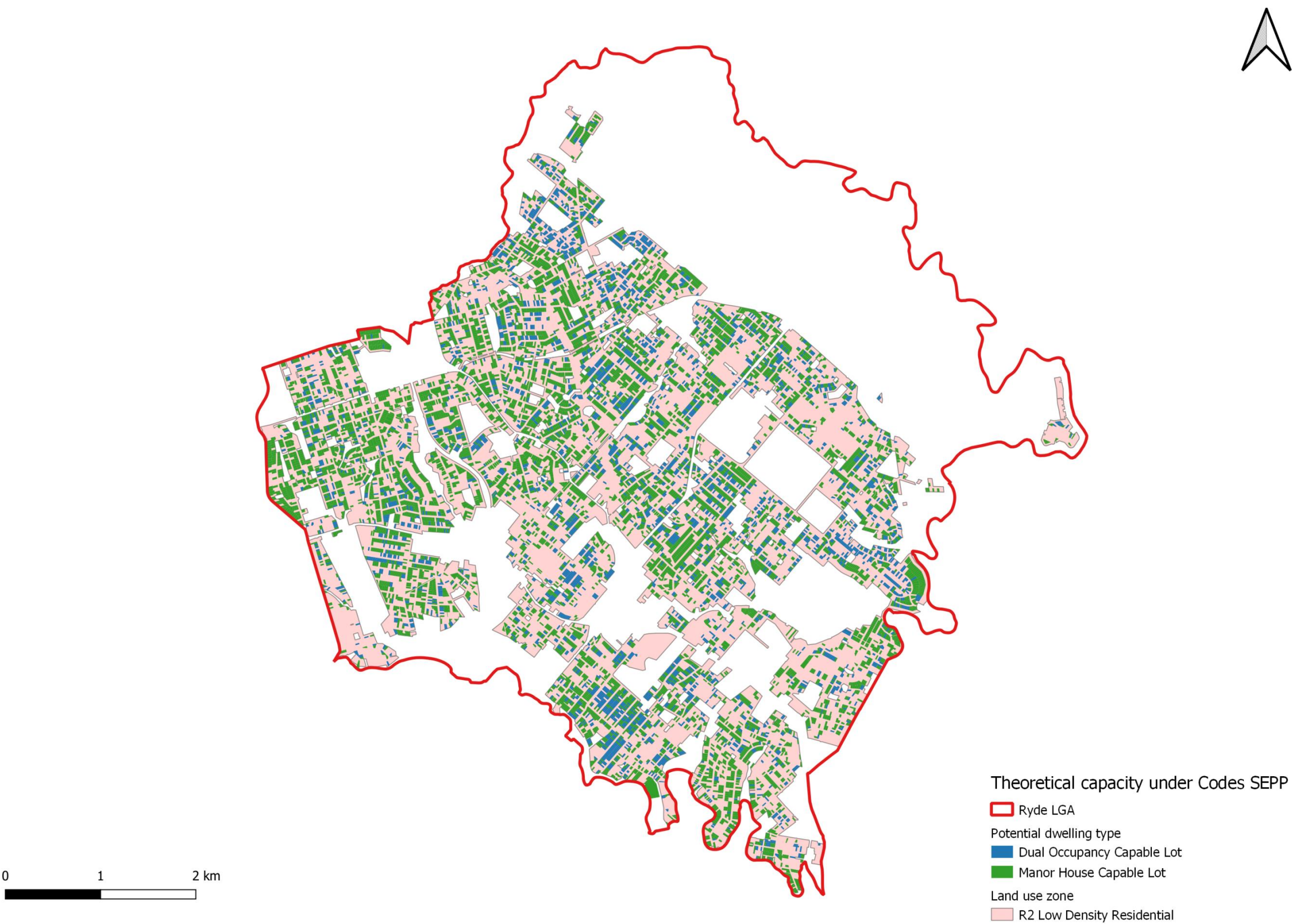
Theoretical capacity under RLEP 2014

- Ryde LGA
- Potential dwelling type
 - Dual Occupancy Capable Lot
 - Multi Dwelling Capable Lot
- Land use zone
 - R2 Low Density Residential

0 1 2 km

Source: Gateway Analysis – Review of Medium Density Housing Capacity, HillPDA 30 June 2020

Figure 3: Theoretical additional dwelling capacity in R2 zone under Ryde LEP 2014 controls



Source: Gateway Analysis – Review of Medium Density Housing Capacity, HillPDA 30 June 2020

Figure 4: Theoretical additional dwelling capacity in R2 zone under Codes SEPP controls

3.0 Objectives and Intended Outcomes

This part of the planning proposal responds to Section 3.33 of the Environmental Planning and Assessment Act 1979 which requires an explanation of what is planned to be achieved by the proposed amendments to RLEP 2014.

The Objectives of the Planning Proposal are to amend RLEP 2014:

- To ensure that the type of residential development permitted in the R2 Low Density Zone:
 - Reflects the objectives of the zone as specified in LEP 2014,
 - conserves and protects the existing low-density character of the built environment of the R2 Low Density Residential zone into the future
- To ensure a clear distinction between the five zones that currently permit residential development in the City of Ryde through the residential land uses permitted in each zone and the level of the density of development that occurs in each zone.
- To ensure the development anticipated in the R2 zone can be adequately serviced by infrastructure and services.
- To enable planning for medium density development to be focused in locations that provide adequate servicing of that development, and
- To provide a transition from high density to low density residential development.

The Intended outcome of the Planning Proposal is to:

- Retain for the City of Ryde, five distinct residential zones differentiated by the type and density of residential development permitted and the resultant streetscape and character of the five zones.
- Ensure the R2 Low Density Residential zone reflects and builds upon the current character of the zone, being diverse in residential types whilst compatible and sympathetic to the existing low-density scale.
- Ensure that the planning controls for Dual Occupancies and Secondary Dwellings in the R2 Low Density Residential zone are not eroded over time through multiple variations to those controls.
- Ensure that the quality of services and supporting infrastructure in the R2 zone and the wider LGA is commensurate with the development capacity of the zone.
- Commence the implementation of the City of Ryde Local Housing Strategy.

4.0 Explanation of Provisions

The proposed Outcomes will be achieved by the following changes to the Ryde LEP 2014:

1. Deleting;

A. Multi dwelling housing as a permitted use in the R2 Low Density Residential Zone land use table

The amended land use table will be amended as follows:

Zone R2 Low Density Residential

.....

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; ~~Multi-dwelling housing~~; Places of public worship; Recreation areas; Residential care facilities; Respite day care centres; Roads; Secondary dwellings

.....

B. Deleting Clause 4.5A - Density controls for Zone R2 Low Density Residential

2. Delete **Clause 4.1A** – and replace with the following;

4.1A Dual Occupancy (attached) Subdivisions

(1) Despite clause 4.1, development consent may be granted for the Torrens title subdivision of a lot if -

- (a) before the day *Ryde Local Environmental Plan 2014 (Amendment No ??)* commences a dual occupancy (attached) has been constructed on the lot, and—
 - i. the lot has an area of at least 580 square metres, and
 - ii. one dwelling will be situated on each lot resulting from the subdivision, and
 - iii. each lot will have an area of not less than 290 square metres, and
 - iv. an occupation certificate has been issued.

- (b) on or after the day *Ryde Local Environmental Plan 2014 (Amendment No ??)* commences a dual occupancy (attached) has been approved on the lot, and—
 - v. the lot has an area of at least 750 square metres, and
 - vi. one dwelling will be situated on each lot resulting from the subdivision, and
 - vii. each lot will have an area of not less than 375 square metres and a primary street frontage of not less than 6 metres.
 - 2. Development consent may only be granted to the strata subdivision of a dual occupancy (attached) on land in Zone R2 Low Density Residential if the land has an area of at least 750 square metres.
 - 3. The commencement of *Ryde Local Environmental Plan 2014 (Amendment No ??)*, does not affect assessment and appeal processes for development applications lodged before, but not determined prior to commencement of amendment No ??.
3. **Amending Clause 4.1B** *Minimum lot sizes for dual occupancies and multi dwelling housing* – in the following manner;

4.1 B Minimum lot sizes for dual occupancies ~~and multi dwelling housing~~

- 1. This Clause is not subject to the provisions of *Clause 4.6 - Exceptions to Development Standards*.
- 2. The objective of this clause is to achieve planned residential density in certain zones.
- 3. Development consent may be granted for development on a lot in Zone R2 Low Density Residential for a purpose shown in Column 1 of the table to this clause if—
 - (a) the area of the lot is equal to or greater than the area specified for that purpose and shown opposite in Column 2 of the table, and
 - (b) the **primary** road frontage of the lot is equal to or greater than **12 metres**.

Column 1

Dual occupancy (attached)
metres

~~Multi dwelling housing~~

Column 2

~~580~~ 750 square

~~900 square metres~~

4. **Deleting Clause 4.5A** *Density controls for Zone R2 Low Density Residential* – in the following manner;

~~**4.5A – Density controls for Zone R2 Low Density Residential**~~

~~Development consent must not be granted to the erection of multi dwelling housing on land in Zone R2 Low Density Residential unless—~~

- ~~(a) the site area for the building is not less than—~~
 - ~~(i) for each 1, 2 or 3 bedroom dwelling—300 square metres, and~~
 - ~~(ii) for each 4 or more bedroom dwelling—365 square metres, and~~
- ~~(b) each dwelling will have its own contiguous private open space.~~

5.0 Justification

Section 3.33 of the Environmental Planning and Assessment Act 1979 enables the Director-General to issue requirements with respect to the preparation of a planning proposal. This section responds to all matters to be addressed in a planning proposal – including Director-General’s requirements for the justification of all planning proposals (other than those that solely reclassify public land).

5.1 Need for the Planning Proposal

5.1.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes, the planning proposal is consistent with the priority action of the draft Ryde Local Housing Strategy.

Ryde Local Housing Strategy

Council has prepared a draft Local Housing Strategy (the Strategy) that meets the requirements set out in the Greater Sydney Commission’s *Greater Sydney Region Plan – A Plan for Growing Sydney* and the *North District Plan*. The *North District Plan* identifies a dwelling target of 7,600 additional dwellings in the Ryde LGA between 2016 and 2021.

The Local Housing Strategy reviews the *North District Plan* five-year target and proposes targets, directions and actions for housing delivery for the next 10 and 20 years to 2036.

The objectives of the Strategy are to set a clear plan for housing in the Ryde LGA for the next 10 and 20 years and;

- Sets a clear plan for the delivery of housing to meet future needs,
- Aligns housing delivery with the NSW Government’s strategic plans
- Has regard for a comprehensive evidence base on housing needs, infrastructure availability, physical constraints and present opportunities.

The Strategy aligns anticipated housing growth with supporting and necessary infrastructure and social services such as educational facilities, health facilities, open spaces and public transport. It identifies opportunities for growth to support a growing population and projected changes to household structure. The Strategy also aligns with Council’s Community Strategic Plan and the recently completed Local Strategic Planning Statement.

The Strategy reviewed the planning and strategic context for housing delivery; assessed housing needs in the LGA; reviewed housing development potential under the current planning controls and existing approvals and considered stakeholder views prior to recommending key directions for housing delivery.

The Strategy, whilst supporting the Council approach to providing housing diversity outlined above, determined that whilst this approach has achieved some good outcomes it is not sustainable into the future. This is particularly due to the impending commencement of Part 3B of the Codes SEPP.

The Strategy undertook an analysis of the development potential in the low-density areas of the LGA and areas in proximity to town centres. The approach used by the strategy included:

- Exclusion of Government lands
- Exclusion of sites already in the development pipeline (these were used to determine the ability to achieve, and exceed, the short term, 5 year target)
- Calculated the theoretical developable area based on city blocks, number of residential floors, divided by the average GFA for an apartment and considered a low (20%) and high range (50%) of dwellings achieved.

The full explanation of the approach and findings is contained in the draft Strategy.

A summary of the findings from this analysis are as follows:

- The range of additional dwellings required in the Ryde LGA, based on *DPIE* and *Id.forecast* projections, between the years 2016 to 2036 is between 20,000 and 22,000 additional dwellings.
- There are currently 12,687 dwellings in the approval pipeline and with a likely delivery rate of 70%, Council will deliver approximately 9,000 dwellings up to 2021 which exceeds the GSC target of 7,600.
- There is a theoretical capacity within the current planning controls in Ryde to achieve approximately 21,000 dwellings in the period 2016 to 2036.
- The introduction of Part 3B of the Codes SEPP would theoretically increase the existing theoretical maximum dwelling capacity of the R2 Zone from the current 5,252 dwellings to 19,127 dwellings.

It is clear from the above that there is no urgent need to deliver additional dwelling capacity in the short (5 year) term and there is scope for additional planning to be undertaken to appropriately deliver additional housing.

An analysis of the proposed planning proposal changes against the anticipated impacts from the introduction of Part 3B of the Codes SEPP was undertaken and the results provided in Table 1. A visual representation of these is also shown in Figures 3 and 4. Tables 6 and 7 provide analysis of the proposed planning proposal Dual Occupancy changes in relation to overall dwelling capacity.

Table 6: Dual occupancy lot size option analysis (12m frontage)

	Current 580 m2 20 m frontage	Part 3B 580 m2 12 m frontage	Option 1 700 m2 12 m frontage	Option 2 800 m2 12 m frontage	Option 3 900 m2 12 m frontage	Planning Proposal 750 m2 12 m frontage
Dual Occupancy Capacity	3,936	13,752	6,407	3,414	2,105	4,203

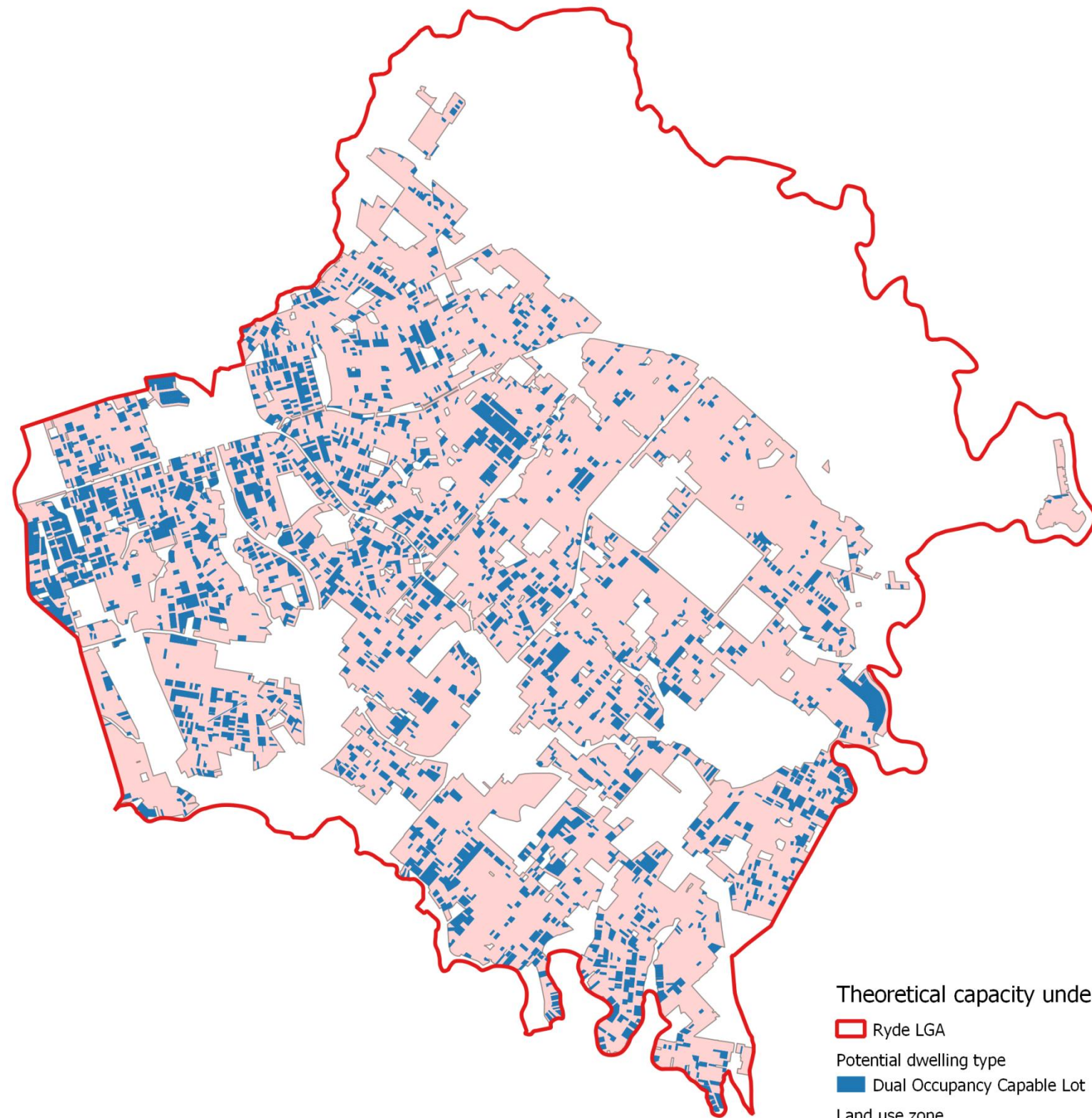
Adapted from LHS Table 41

Table 7: Dual occupancy lot size option analysis (15m frontage)

	Current 580 m2 20 m frontage	Part 3B 580 m2 15 m frontage	Option 1 700 m2 15 m frontage	Option 2 800 m2 15 m frontage	Option 3 900 m2 15 m frontage	Planning Proposal 750 m2 15 m frontage
Dual Occupancy Capacity	3,936	10,905	5,340	2,896	1,836	3,540

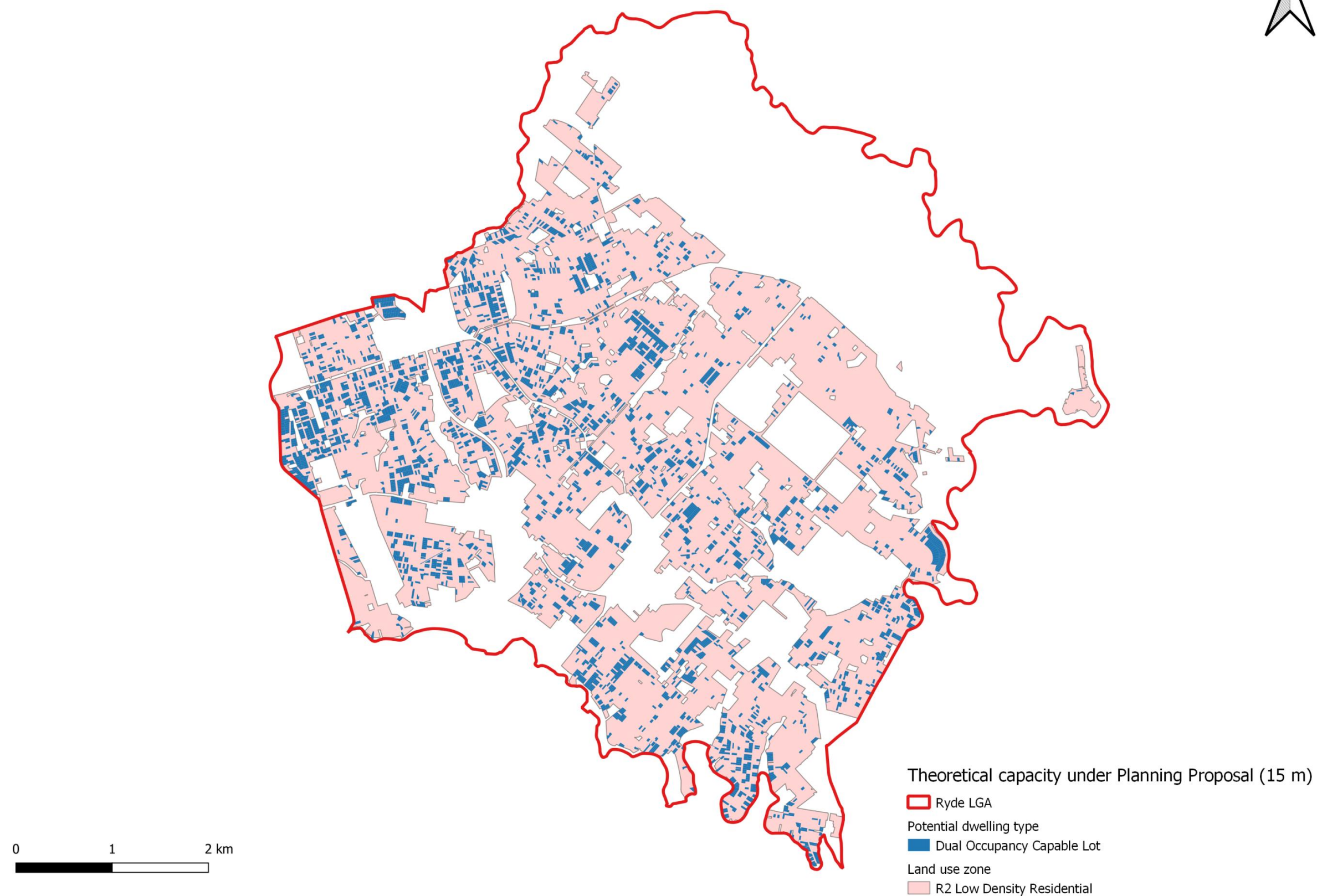
Adapted from LHS Table 40,

Source Tables 6 & 7: Gateway Analysis – Review of Medium Density Housing Capacity, HillPDA 30 June 2020 & 13 August 2020



Source: Gateway Analysis – Review of Medium Density Housing Capacity, HillPDA 30 June 2020

Figure 5: Theoretical additional dwelling capacity in R2 zone under proposed planning proposal 12m frontage controls



Source: Gateway Analysis – Review of Medium Density Housing Capacity, HillPDA 30 June 2020

Figure 6: Theoretical additional dwelling capacity in the R2 zone under proposed planning proposal 15m frontage controls

The assessment in Tables 6 and 7, and the visual representation shown in Figures 5 and 6, were undertaken to determine the impact of the variation of lot size and lot width on the overall dwelling capacity. The intent of the planning proposal is to maintain the approximate overall dwelling capacity in the LGA.

There is sufficient theoretical capacity to meet the forecast demand for housing. The planning proposal purpose is to address the short term impacts of Part 3B of the SEPP whilst providing time to undertake the necessary planning to permit medium density development in the appropriate localities serviced by appropriate infrastructure.

It is also clear from the above that there is an urgent need to mitigate the predicted impacts from the commencement of Part 3B of the SEPP. The additional planning to cater for future residential and infrastructure growth can then be appropriately undertaken.

Given the above, the Strategy has proposed a number of actions and priorities to deliver housing. The priority action is to mitigate the potential, unintended adverse impacts from the introduction of Part 3B of the SEPP. The purpose of this planning proposal is to undertake this priority action identified in the Local Housing Strategy.

5.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There are a number of means of achieving the intended outcome of maintaining the character of the low-density zone in Ryde. These include:

1. The Minister for Planning, Industry and Environment could amend Part 3B of the SEPP to;
 - a) remove the direction that Manor houses and multi dwelling housing (terraces) are a permitted use wherever multi dwelling housing is currently permitted, and
amend the dual occupancy site controls to those that are currently in the Ryde LEP 2014 as these controls have/are achieving the appropriate density controls in the zone, OR
 - b) Exempt City of Ryde Council from the provisions of Part 3B of the SEPP.
2. Proceed with the current planning proposal as stage one of the implementation of the Ryde Local Housing Strategy.

Either of the above options would result in the desired planning outcomes as the principle matters are;

- Maintain the low-density character of the R2 zone in the City of Ryde,
- Retain a clear distinction between the residential zone types in the City of Ryde, and

- Ensure that any increased residential development is located appropriate and that sufficient infrastructure is available to service the needs of future populations.

The impact of the SEPP on the City of Ryde's on the character of the low-density residential zone and the lack of infrastructure to support such significant increases in dwelling numbers in the zone has been discussed earlier in the Planning Proposal.

In contrast the impact of deleting both Multi dwelling housing and Dual Occupancy development from the zone will have minimal impact on Council's ability to achieve the State Governments housing targets for the City of Ryde. The Housing Strategy additional analysis has estimated that the impact of this change would be a reduction of 385 lots available for multi dwelling housing.

The City of Ryde Local Housing Strategy has identified several means for achieving the appropriate mix of housing diversity in the Ryde LGA. This planning proposal has been identified as a high priority in the short term to enable the appropriate further investigations of areas suitable for medium density development and review and amend planning controls to achieve appropriate housing delivery.

It is considered that this Planning Proposal is the best means of achieving the objectives and desired outcomes.

5.2 Relationship to strategic planning framework

5.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The strategic planning context for the consideration of this Planning Proposal includes:

- Greater Sydney Regional Plan
- The North District Plan

Greater Sydney Regional Plan - A Metropolis of Three Cities

The Greater Sydney Region Plan (2018) (The Plan) outlines how Greater Sydney will manage growth and change and guide infrastructure delivery over the next 40 years.

The Vision of the Plan is to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City.

The City of Ryde is located within the Eastern Harbour City. The Plan states that the established **Eastern Harbour City** will be building on its recognised economic strength and addressing liveability and sustainability. (p 8)

The Plan contains:

- Four key themes
- 14 Metrics, i.e. measurement tools
- Ten Directions and
- 40 Objectives

The four key themes are infrastructure and collaboration, liveability, productivity and sustainability.

The current Planning Proposal which aims to retain the character of the R2 zone, that has been specifically controlled through permitted land uses and density controls, and maintain the communities relationship with its neighbourhoods through a consistency of appropriate housing types at an appropriate low density development scale, supports the aims of the Plan.

In particular, the Infrastructure theme seeks to deliver “*A city supported by infrastructure*” (p.35) and this Planning Proposal will ensure development of the R2 zone remains consistent with the levels of infrastructure available. The R2 zone is a low density residential context and is currently supported by commensurate levels of infrastructure.

The Plan states:

More housing in the right locations

*Creating capacity for new housing in the right locations requires clear criteria for where capacity is to be located. Accommodating homes **needs to be linked to local infrastructure** – both to optimise existing infrastructure and to maximise investment in new infrastructure. (p 61).*

The increased theoretical potential for an additional 13,875 to 16,700 dwellings in the R2 zone as a result of the SEPP permitting manor houses, without any consideration of the capacity of existing infrastructure to services conflicts with the Greater Sydney Regional Plan - A Metropolis of Three Cities.

The Liveability theme of the Plan has the following three directions (p.47):

- *A city for people - celebrating diversity and putting people at the heart of planning.*
- *Housing the city – giving people housing choices.*
- *A City of great places – designing places for people.*

This Planning Proposal supports the delivery of these directions by ensuring the strong community desire to retain the character of the R2 zone as a low-density residential community differentiated from higher density residential areas is supported by appropriate zoning provisions.

This Planning Proposal will ensure Council’s LEP continues to support the maintenance and delivery of a balanced mix of high, medium and low density housing choices and it will not inhibit Council’s ability to deliver additional housing to support the future population.

The Plan also states;

Local infill development

Local infill development – the missing middle – refers to medium density housing such as villas and townhouses within existing areas, that provide greater housing variety.

Councils are in the best position to investigate and confirm which parts of their local government areas are suited to additional medium density opportunities (p 61).

In line with the above this Planning Proposal supports the Plan by ensuring Council is being proactive in determining what aspects of the SEPP to be introduced in July 2020 are appropriate to the Ryde LGA. Based on the above it is considered that the SEPP, which introduces significant changes to housing typology and density of development, conflicts with the Greater Sydney Regional Plan.

In line with the SEPP the City of Ryde will investigate the LGA for future medium density opportunities.

North District Plan (2018)

The *North District Plan* (NDP 2018) sets out the planning priorities and actions for Greater Sydney's North District, which includes the local government areas of Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Northern Beaches, Mosman, North Sydney, the City of Ryde and Willoughby, as developed by the Greater Sydney Commission.

The NDP provides the means by which the Greater Sydney Region Plan can be put into action at a local level, by setting out the opportunities, priorities and actions for the growth and development of the North District.

In keeping with the Greater Sydney Region Plan each District Plan contains:

- Four key themes – infrastructure and collaboration, liveability, productivity and sustainability
- Ten Directions – to guide the balanced delivery of the theme
- Metrics – to measure successful delivery of the plans
- District-specific Planning Priorities and Actions – to achieve results that provide a great quality of life for people in the District.

The Planning Priorities particularly relevant to the proposal are addressed in the following;

- *Planning Priority N1 – Planning for a city supported by infrastructure.*
- *Planning Priority N3 – Providing services and social infrastructure to meet people's changing needs*

This Planning Proposal will ensure development of the R2 zone remains consistent with the levels of infrastructure available. The R2 zone is low density residential in character and is immediately supported by commensurate levels of infrastructure.

- *Planning Priority N4 – Fostering healthy creative, culturally rich and socially connected communities.*

This planning proposal responds to a strong community desire to retain the character and identity of the R2 zone. The proposed amendments will also ensure the levels and types of housing provided in the R2 zone, as is currently the case, in keeping with the zones level of access to social and cultural infrastructure in nearby neighbourhood and strategic centres.

- *Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs and services.*

The Ryde LEP 2014 allows a balanced provision of high, medium and low density housing options across the City of Ryde. The R2 zone currently provides a mix of dwelling types with the supporting infrastructure and amenity available throughout the. This planning proposal's proposed change will ensure this balance is maintained. Dual Occupancies (attached), secondary dwellings, boarding houses, etc. with already developed land will provide housing diversity within the zone.

5.2.2 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Ryde Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plan sets the desired outcomes and the aspirations of the community and the goals and strategies to achieve the desired outcomes. The seven outcomes for the City of Ryde articulated in the plan are:

- A City of Liveable Neighbourhoods
- A City of Wellbeing
- A City of Prosperity
- A City of Environmental Sensitivity
- A City of Connections
- A City of Harmony and Culture
- A City of Progressive Leadership

The Planning Proposal seeks to ensure that an existing R2 zone maintains its identity and character and as such supports Council's strategy of encouraging and supporting local identity and character in our suburbs.

In particular, the proposal contributes to:

A City of Liveable Neighbourhoods - Goal Two

Our community has a strong sense of identity in their neighbourhoods and are actively engaged in shaping them

Strategies:

To plan and design our neighbourhoods in response to our community's needs, wants and sense of belonging.

To encourage and support local identity and character in our suburbs and neighbourhoods and protect our local heritage.

City of Ryde Local Strategic Planning Statement

The City of Ryde Local Strategic Planning Statement (LSPS) is structured in Themes similar to the North District Plan. The parts relevant to housing delivery and this planning proposal are *Part 2: Infrastructure and Collaboration* and *Part 3: Liveability*.

Part 2: Infrastructure and Collaboration

The vision for housing in this part is as follows:

“To provide a range of housing options in areas appropriately serviced by infrastructure, while preserving unique local character”

The targets for this part of the LSPS include:

- All homes will be within 400 metres of active public open space greater than 1,500m² in size
- Key community infrastructure in the nearest town centre will be accessible within 30 minutes by private or public transport
- Schools and hospitals to meet the demands of population growth and are within 20 minutes travel time.

Planning priorities relating to planning proposals include:

- Complete housing, infrastructure and centres and places strategies to guide assessment
- Suspend site specific planning proposals until the relevant strategies are completed
- Review planning instruments so that they are based on a centres hierarchy with a focus on maximising existing infrastructure capacity and utilisation

Part 3: Liveability

The vision for housing in this part is as follows:

“The housing needs and expectations of the City of Ryde community are met through the provision of a range of housing types including affordable housing.”

The targets for this part of the LSPS include:

- Meet the North District Plan's 2021 dwelling target,
- Complete the Local Housing Strategy by June 2020,

- Similar targets to previous section in relation to dwelling proximity to infrastructure and services.

Planning priorities and actions relating to housing supply include:

- Housing supply to satisfy the needs to 2039
- Maintain the City of Ryde's current strategic planning direction to focus the majority of residential growth within town centres,
- Ensure a broad diversity of housing is being delivered,
- Protect the character of low-density residential areas,
- Aim for 5% of all new dwellings to be affordable,
- Provide high levels of residential amenity,

The LSPS will set the scene for LEP amendments in relation to the Housing Strategy, such as:

- The need for actionable options to meet the housing needs of our diverse community rather than focusing on supply only,
- Direct high density living to areas around transport nodes
- Protect low density suburbs and their character
- Seek opportunities for Medium Density development in appropriate areas.

As seen from the above brief LSPS summary, this current planning proposal is consistent with and is the first stage of implementing the actions and vision for housing in the LSPS.

Ryde Local Housing Strategy 2020

As outlined in Section 5.1.1 *Need for the Planning Proposal* of this document, Council has prepared a draft Local Housing Strategy (the Strategy) that meets the requirements set out in the Greater Sydney Commission's *Greater Sydney Region Plan – A Plan for Growing Sydney* and the *North District Plan*. The *North District Plan* identifies a dwelling target of 7,600 additional dwellings in the Ryde LGA between 2016 and 2021.

A summary of the findings from this analysis are as follows:

- The range of dwellings required in the Ryde LGA, based on *DPIE* and *Id.forecast* projections, from the years 2016 to 2036 is between 20,000 and 22,000 additional dwellings.
- There are currently 12,786 dwellings in the approval pipeline and with a likely delivery rate of 70%, Council will deliver approximately 9,000 dwellings up to 2021 which exceeds the GSC target of 7,600.
- There is a theoretical capacity within the current planning controls in Ryde to achieve approximately 21,000 dwellings in the period 2016 to 2036.
- The introduction of Part 3B of the Codes SEPP would theoretically increase the existing theoretical maximum dwelling capacity of the R2 Zone from the current 5,252 dwellings to 13,875 additional dwellings.

It is clear from the above that there is no need deliver additional dwelling capacity in the short (5 year) term. It is also clear from the last dot point above that there is an urgent need to mitigate the predicted impacts from the commencement of Part 3B of the SEPP and to then undertake additional planning to cater for future residential and infrastructure growth.

The Strategy has proposed actions and priorities, with the first priority to mitigate the potential adverse impacts from the introduction of Part 3B of the SEPP.

This planning proposal is to undertake this priority action identified in the Local Housing Strategy and is consistent with the actions and directions of that draft Strategy.

5.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

A summary assessment of the Planning Proposal in terms of State Environmental Planning Policies that are relevant to the City of Ryde is contained in the table below (Table 8).

This assessment indicates that the draft LEP contained in this Planning Proposal is consistent with all relevant State environmental planning policies.

Table 8 – Consistency with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A
	YES	NO	
State Environmental Planning Policy No 19 Bushland in Urban Areas	✓		
State Environmental Planning Policy No 21 Caravan Parks			✓
State Environmental Planning Policy No 33 Hazardous and Offensive Development			✓
State Environmental Planning Policy No 50 Canal Estate Development			✓
State Environmental Planning Policy No 55 Remediation of Land			✓ There is no change to the use of the land for residential purposes and as such the SEPP does not apply
State Environmental Planning Policy No 64 Advertising and signage			✓

State Environmental Planning Policies (SEPPs)	Consistent		N/A
	Yes	No	
State Environmental Planning Policy No 65 Design Quality of Residential Flat Development			✓The proposed zoning does not permit residential apartment development
State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes)	✓		
State Environmental Planning Policy (Affordable Rental Housing) 2009	✓ The proposal will not affect the provisions of the SEPP. It is acknowledged that the provisions relating to residential flat buildings will no longer apply.		
State Environmental Planning Policy (BASIX) 2004	✓ Any subsequent development applications will be compliant with these provisions		
State Environmental Planning Policy (Coastal Management) 2018	✓ The proposal does not affect the provisions of the SEPP		
State Environmental Planning Policy (Concurrences) 2018			✓ Applies to the whole of the State. Not relevant to this proposed amendment.
State Environmental Planning Policy (Educational establishments and childcare facilities) 2017.	✓ The proposal does not affect the provisions of the SEPP		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	✓ The proposal does not affect the provisions of the SEPP		

State Environmental Planning Policies (SEPPs)	Consistent		N/A
	Yes	No	
State Environmental Planning Policy (Infrastructure) 2007	✓ The proposal does not affect the provisions of the SEPP		
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007			✓
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	✓ The proposal does not affect the provisions of the SEPP		
State Environmental Planning Policy (Primary Production and Rural Development) 2019			✓
State Environmental Planning Policy (State and Regional Development) 2011			✓
State Environmental Planning Policy (State Significant Precincts) 2005			✓ The site is not identified as a State Significant Precinct
State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017	✓ The proposal does not affect the provisions of the SEPP		
Deemed SEPPs			
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005			✓
Draft SEPPs			
Environmental SEPP - the protection and management of our natural environment	✓		

5.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 9.1 of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning and Environment on or after the date the particular direction was issued:

Consideration of Relevant Section 9.1 Directions applying to planning proposals

<u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u>	Consistent		N/A
	YES	NO	
1. Employment and Resources			
<u>1.1 Business and Industrial Zones</u> Objectives are:- <ul style="list-style-type: none"> ○ Encourage employment growth in suitable locations ○ Protect employment land in business and industrial zones and ○ Support the viability of identified strategic centres. 			X
<u>1.2 Rural Zones</u> Objective: To protect the agricultural production value of rural land.			X
<u>1.3 Mining, Petroleum Production and Extractive Industries</u> Objective: To ensure that the future extraction of significant materials is not compromised by inappropriate development.			X
<u>1.4 Oyster Aquaculture</u> Objective: To protect oyster aquaculture from development that may result in adverse impact on water quality.			X
<u>1.5 Rural Lands</u> Objective: To protect and facilitate economic development of rural lands.			X

2. Environment and Heritage			
<u>2.1 Environment Protection Zones</u> Objective: To protect and conserve environmentally sensitive areas.			X
<u>2.2 Coastal Management</u> Objective: To protect and manage coastal areas of NSW			X
<u>2.3 Heritage Conservation</u> Objective: To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.			X
<u>2.4 Recreation Vehicle Areas</u> Objective: To protect sensitive land from adverse impacts from recreation vehicles.			X
<u>2.5 Application fo E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</u> Objective: To ensure that a balanced and consistnet approach is taken when applying environmental protection zones and overlays to lad on the NSW Far North Coast			X

<u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u>	Consistent		N/A
	YES	NO	
3. Housing, Infrastructure and Urban Development			
<u>3.1 Residential Zones</u> Objectives are: <ul style="list-style-type: none"> ○ To encourage a variety and choice of housing types to provide for existing and future housing needs ○ To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services ○ To minimise the impact of residential development on the environment and resource lands. 	.	X See inconsistency explanation at the end of this table	
<u>3.2 Caravan Parks and Manufactured Home Estates</u> Objective: To provide a variety of housing types.			X
<u>3.3 Home Occupations</u> Objective: To encourage the carrying out of low impact small businesses in dwelling houses.	X		
<u>3.4 Integrating Land Use and Transport</u> Objectives are: <ul style="list-style-type: none"> ○ Improving access to housing , jobs and services by walking, cycling and public transport ○ Increasing choice of available transport and reduce dependence on cars and ○ Support of public transport services and reduce travel demand. ○ Providing for the efficient movement of freight 			X
<u>3.5 Development Near Regulated Airports and Defence Airfields</u> Objective: To ensure safe and effective operation of Regulated Airports and Defence Airfields.			X
<u>3.6 Shooting Ranges</u> Objective: To reduce land use conflict, maintain appropriate levels of public safety and amenity.			X
<u>3.7 Reduction on Non-hosted Short Term Rental Accommodation Period</u> Objective: To mitigate significant impacts of short term rental accommodation where non-hosted short term rental accommodation period are reduced.			X

<u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u>	Consistent		N/A
	YES	NO	
4. Hazard and Risk			
<u>4.1 Acid Sulfate Soils</u> Objective: To avoid significant adverse impacts from use of land that contains acid sulfate soils.			X
<u>4.2 Mine Subsidence and Unstable Land</u> Objective: To prevent damage to life, property and the environment on land identified as subject to mine subsidence.			X
<u>4.3 Flood Prone Land</u> Objective: To ensure an LEP includes consideration of appropriate flood impacts.			X
<u>4.4 Planning for Bushfire Protection</u> Objective: To encourage sound management of bush fire prone areas.			X

5. Regional Planning			
<u>5.1 Implementation of Regional Strategies</u> (Revoked 17 October 2017)			X
<u>5.2 Sydney Drinking Water Catchments</u> Objective: To protect water quality in the Sydney drinking water catchment.			X
<u>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</u> Objective: To ensure the best agricultural land will be available for current and future generations.			X
<u>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</u> Objective: To manage commercial and retail development along the Pacific Hwy.			X
<u>5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)</u>			X
<u>5.6 Sydney to Canberra Corridor (Revoked 10 July 2008).</u>			X
<u>5.7 Central Coast (Revoked 10 July 2008.)</u>			X
<u>5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018).</u>			X

<u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u>	Consistent		N/A
	YES	NO	
<u>5.9 North West Rail Link Corridor Strategy</u> Objective: To promote trains oriented development and manage growth around the eight train stations of the North West Rail Link			X
<u>5.10 Implementation of Regional Plans</u> Objective: To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.			X
<u>5.11 Development of Aboriginal Land Council land</u> Objective: To provide consideration of development delivery plans prepared under <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> .			X

6. Local Plan Making			
<u>6.1 Approval and Referral Requirements</u> Objective: To ensure that LEP provisions encourage the efficient and appropriate assessment of development.			X
<u>6.2 Reserving Land for Public Purposes</u> Objective: To facilitate the provision of public services and facilities.			X
<u>6.3 Site Specific Provisions</u> Objective: To discourage unnecessary restrictive site specific planning controls.	X		

7. Metropolitan Planning			
<u>7.1 Implementation of A Plan for Growing Sydney.</u> Objective: To give legal affect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in the A Plan for Growing Sydney. Comment:- The Planning Proposal is consistent with the aims of A Plan for Growing Sydney and Draft Greater Sydney Regional Plan	X		
<u>7.2 Implementation of Greater Macarthur Land Release Investigation</u> Objective: to ensure development within the Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan			X

<u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u>	Consistent		N/A
	YES	NO	
<u>7.3 Parramatta Road Corridor Urban Transformation Strategy</u> Objective: To facilitate development within the Corridor that is consistent with the Strategy and the Parramatta Road Corridor Implementation Tool Kit.			X
<u>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</u> Objective: To ensure development within the North West Priority Growth Area is consistent with the Strategy.			X
<u>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</u> Objective: To ensure development within the Area is consistent with the Implementation Plan.			X
<u>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</u> Objective: To ensure development within the Priority Growth Area is consistent with the Implementation Plan and Back ground Analysis.			X
<u>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</u> Objective: To ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.			X
<u>7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</u> Objective: To ensure development within the Western Sydney Aerotropolis is consistent with the Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan dated August 2018.			X
<u>7.9 Implementation of Bayside West Precincts 2036 Plan</u> Objective: To ensure development within the Bayside West Precincts is consistent with the Bayside West Precincts 2036 Plan.			X
<u>7.10 Implementation Planning Principles for the Cooks Cove Precinct</u> Objective: To ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.			X

Consistency with Direction 3.1 Residential Zones

The Objectives of this Direction and comment as to consistency of the planning proposal against those objectives are as follows:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,

Comment

The intent of this planning proposal is to maintain overall dwelling capacity in the Ryde LGA. As such, the draft Housing Strategy has proposed this planning proposal to, in the short term, mitigate the unintended adverse impacts that the implementation of the Codes SEPP may have on the density, character and amenity of the R2 Low Density Residential zone in Ryde. The planning proposal will then allow additional time for more detailed planning to occur to identify suitable localities for the increase of medium density housing in the Ryde LGA.

The draft Strategy has analysed the theoretical dwelling capacity of the existing controls in the Ryde LEP 2014 and found that there is a dwelling capacity of up to 22,000 which is anticipated to meet the projected dwelling demand to 2036.

Under the current planning proposal changes there is a minor reduction of 385 lots available for Dual Occupancy development but an improved ability to achieve a more evenly spread of Dual Occupancy developments throughout the R2 zone than is currently available. Similarly, it is anticipated that the theoretical maximum dwelling capacity in the R2 zone will reduce by up to 1,049 dwellings, from an estimated 5,252 to 4,203 additional dwellings, within the R2 zone.

Despite this minor reduction in the R2 zone theoretical capacity, the analysis in the draft Local Housing Strategy demonstrates that there is sufficient capacity under the current and amended LEP controls within all the residential zones of the Ryde LEP 2014 to meet and exceed the dwelling capacity demands in the short to medium term.

In this regard the planning proposal is justified to be inconsistent with this objective.

- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and

Comment

The planning proposal will make more efficient use of existing infrastructure and services by ensuring supply is managed so as not to outstrip capacity, while ensuring there is no significant reduction in density, and dwelling demand can continue to be met.

In this regard the planning proposal is consistent with this objective.

- (c) to minimise the impact of residential development on the environment and resource lands.

Comment

The planning proposal aims to ensure that growth is managed so that it keeps pace with infrastructure and service capacity. This growth management will also enable the guidance of higher density development away from environmentally sensitive lands to locations that are clustered around existing services and centres.

It is considered that the planning proposal is consistent with this Section 9.1 Direction as it will not contain provisions that will permanently reduce the residential density of land or jeopardise the ability of the land to meet the current and future housing targets or forecasted demand for housing.

Further, the Direction allows for proposals to have some inconsistency with the terms of the Direction provided they are justified by a study prepared in support of the planning proposal; which gives consideration to the objective of this Direction. Council's draft Local Housing Strategy is considered to satisfy this provision.

5.3 Environment, social and economic impact

5.3.1 Is there any likelihood that Critical Habitat or Threatened Species or Ecological Communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor is it expected to have any adverse environmental effects.

5.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The Planning Proposal will not result in any significant environmental effects.

5.3.3 Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal provides a means by which Council can maintain the character and low-density nature of the R2 zone.

A draft Local Housing Strategy has been prepared on behalf of Council and this planning proposal is consistent with the recommendations of that draft Strategy. That strategy has considered the impact to housing delivery and diversity of the proposed change in land uses permitted in the R2 Low Density Residential zone and will be included in the exhibition material with the planning proposal.

5.4 State and Commonwealth interests

5.4.1 Is there adequate public infrastructure for the planning proposal?

The planning proposal will not place additional demands on the existing infrastructure within the City of Ryde.

5.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Should the Gateway be issued for this planning proposal all relevant State Government Authorities will be consulted and consultation will be generally in accordance with Section 7 of this planning proposal. However, the Department of Planning and Environment on 22 May 2018 advised the following:

The Minister has advised that he would consider deferring the commencement of the code to allow Council's in the Greater Sydney region to rectify local planning controls to meet the strategic intent of each Council area.....To seek deferral for the code planning proposal will need to address, or identify that it will address the following:

1. The area of land zoned R2 Low Density, R1 General Residential and R3 Medium Density Residential
2. The number of lots eligible for manor house or multi dwelling housing development as complying development under the R2 Low Density Zone,
3. The number of multi dwelling housing developments approved by the Council in the R2 , R1 and R3 zone in the past 5 years and
4. Whether the proposal is supported by a housing strategy that has been developed in consultation with the community

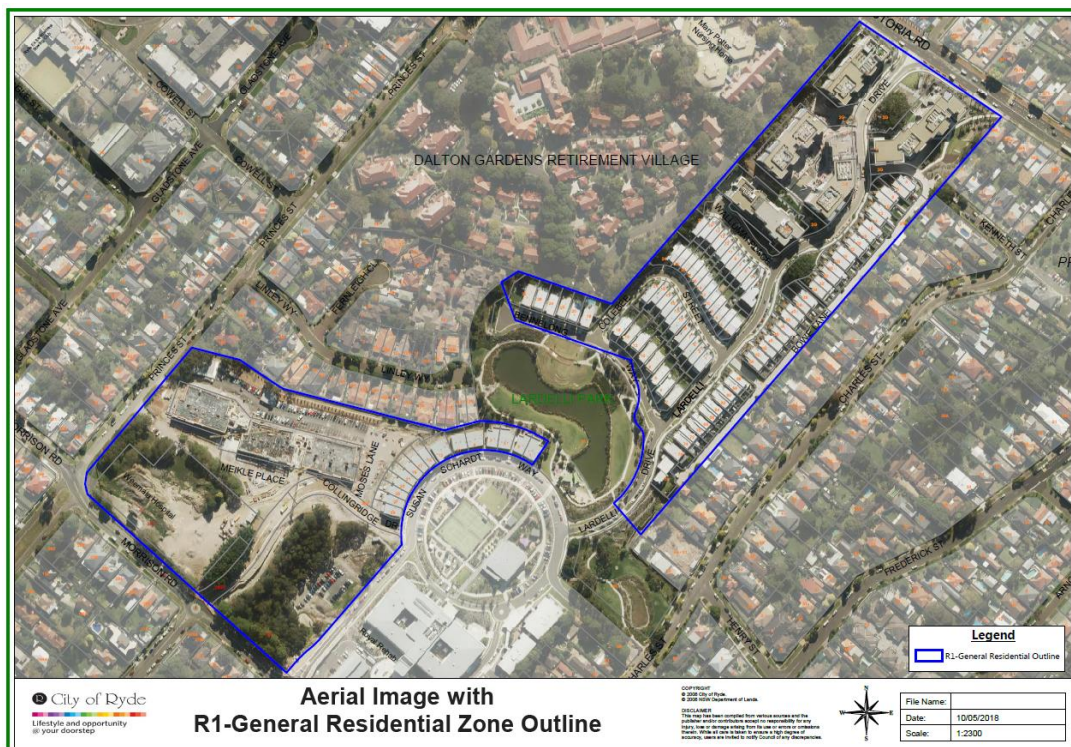
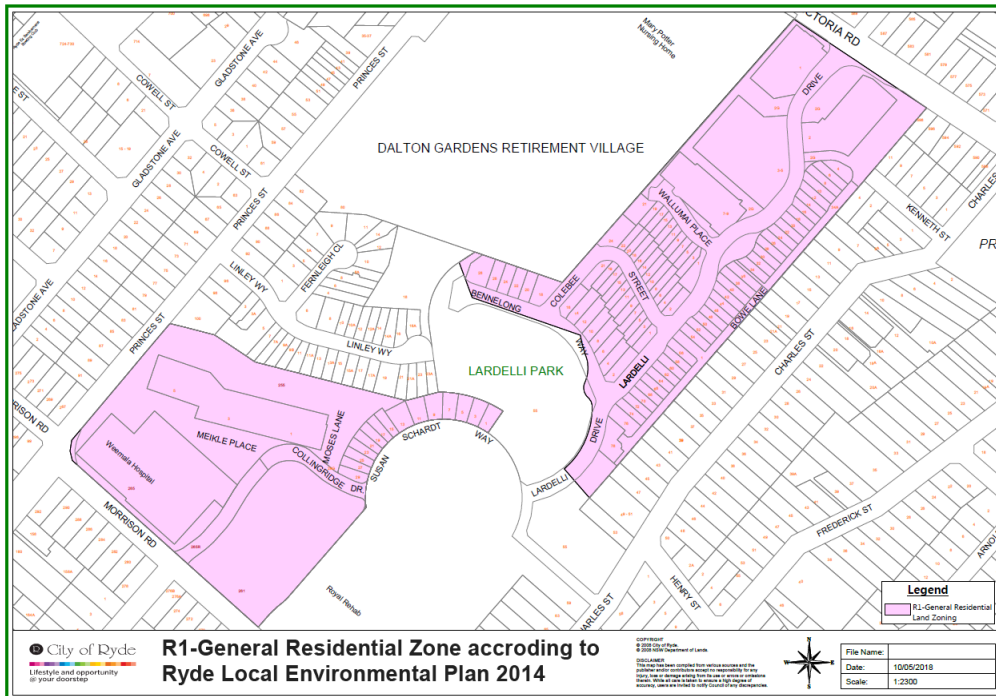
The below addresses each of the above points.

1. Section 2.1 Site Description and Context of this PP provides maps and the number of allotments capable of being developed for manor houses in the R2 zone.

Council has only one area of land zoned R1 that being the area previously known as Ryde Rehabilitation Centre and identified below as identified below.

The R1 zone has 115 allotments and has been fully developed for a mix of residential flat buildings and terraces

There is no additional capacity available in the R1 General Residential Zone of the RLEP 2014.



Land Zoned R3 is dispersed throughout the City as identified below and contains approximately 182 allotments. All land has been developed for a mix of flat buildings, triplex and duplex developments.

There is no additional capacity available in the R3 Medium Density Residential zone.



2. Section 1.1 Background – Housing Targets of this Planning Proposal provides information of number of multi dwelling housing developments approved by the Council in the R2 zone in the past 5 years.
Development in the R1 zone in the last five year has been for residential flat buildings, terraces etc. The R3 zones have been fully developed for a number of years
3. The draft Local Housing Strategy has been prepared and is discussed in Section 5.2.2 of this planning proposal. The strategy has estimated that the introduction of Part 3B of the SEPP would increase the number of theoretical potential dwellings in the R2 zone from 5,252 to up to 13,875 additional dwellings. The Strategy has identified that this level of increase is unsustainable in the R2 zone and recommended a staged approach of implementation. The first being the removal of *Multi Dwelling Housing* from the R2 zone and the next stages is to undertake the necessary planning to provide *Medium Density Housing* in appropriate areas to

ensure that it is adequately designed and serviced and that would provide a transition between high and low density areas.
This Planning Proposal is in line with aims of that Strategy.

6.0 Mapping

There are no mapping amendments that result from this PP.

7.0 Community Consultation

This section provides details of the community consultation that is to be undertaken on the planning proposal:

The community consultation process to be undertaken for this Planning Proposal is expected to be undertaken in the following manner for a 28 day period:

- Written notice given:
 - To all affected residents
 - in the local newspaper circulating in the area,
 - on Council's webpage, and
 - to local state government representatives;
 - to relevant State and Commonwealth authorities considered necessary by the Department of Planning, Industry and Environment and identified in the Gateway Determination.
- The written notice will:
 - provide a brief description of the objectives and intended outcomes,
 - state where the Planning Proposal can be inspected,
 - indicate the last date for submissions, and
 - confirm whether the Minister has chosen to delegate the making of the LEP.
- The following materials will be placed on exhibition:
 - the Planning Proposal, and
 - the Gateway Determination.
 - Council resolution and reports

8.0 Project Timeline

- | | |
|---|------------------------|
| 1. Resolution of Council to prepare Planning Proposal and forward for Gateway Determination | 24 March 2020 |
| 2. Planning Proposal submitted to Gateway | April 2020 |
| 3. Gateway determination received by Council | June/July 2020 |
| 4. Community consultation (28 days) | September/October 2020 |
| 5. Outcomes of Community consultation presented to Council | November 2020 |
| 6. Planning Proposal submitted to Department of Planning and Environment requesting notification on Government Gazette. | December 2020 |