

PLANNING PROPOSALS

2 PLANNING PROPOSAL TO REMOVE MULTI DWELLING HOUSING FROM THE R2 LOW DENSITY RESIDENTIAL ZONE OF THE RYDE LEP 2014

Report prepared by: Senior Strategic Planner

Report approved by: Senior Coordinator - Strategic Planning; Director - City Planning and Environment

File Number: LEP2020/2/4 - BP20/118

City of Ryde Local Planning Panel Report

Site Address and Ward	Applies to all land currently zoned R2 Low Density Residential in the Ryde Local Government Area.
Current Planning Provisions	Zoning – R2 – Low Density Residential Multi Dwelling Housing and Dual Occupancy (attached) are included as a permitted use in this zone.
Planning Proposal Overview	It is proposed to remove <i>Multi Dwelling Housing</i> as a permitted use in the Land Use Table of the R2 Low Density Residential Zone and amend the lot size provisions for <i>Dual Occupancy</i> in the <i>Ryde Local Environmental Plan 2014</i> .
Property Owner	N/A
Applicant	City of Ryde Council
Report Author	Matthew Owens – Senior Strategic Planner
Lodgement Date	Not Applicable. Council has prepared the planning proposal in response to the findings of the draft City of Ryde Housing Strategy
Reason for Referral	Required by Ministerial Direction made under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> dated 27 September 2018
Recommendation	That the Ryde Local Planning Panel recommend to Council that the planning proposal, seeking to remove <i>Medium Density Housing</i> from the <i>R2 Low Density Residential</i> zone of the Ryde LEP 2014 and amend the planning controls relating to <i>Dual Occupancy (attached)</i> development, as attached to this report, be submitted for Gateway Determination under 3.34 of the <i>Environmental Planning and Assessment Act 1979</i> .

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Attachments	Attachment 1 – Planning Proposal (<i>Distributed under separate cover</i>) Attachment 2 – Draft Local Housing Strategy (<i>Distributed under separate cover</i>)
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1. Executive Summary

This planning proposal seeks to amend the Ryde Local Environmental Plan (LEP) 2014 to remove *Multi Dwelling Housing* as a permitted use in the Land Use Table for the *R2 Low Density Residential Zone* and amend the lot size provisions of the Ryde LEP 2014.

This would be achieved by removing Multi Dwelling Housing as a permitted use in the R2 Low Density Residential zone and increasing the lot size for Dual Occupancy developments and relating to subdivision for Dual Occupancy (attached).

The intent of the planning proposal is to have no net loss of dwellings delivered from that permitted under the current planning controls, but to ensure that dwelling types are diverse to meet the needs of the community and are in locations suitable for the dwelling density.

The principle reason for the planning proposal is to mitigate the adverse impacts from the commencement of State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing code) (Part 3B of SEPP). The draft Ryde Housing Strategy has provided evidence that the introduction of Part 3B of the SEPP in the R2 zone would increase the theoretical development capacity of the R2 zone from 5,900 to approximately 19,000 additional dwellings.

Such increases would detrimentally impact the character and amenity of this zone, outstrip the capacity of the current and planned infrastructure and ultimately be unsustainable.

This planning proposal is in alignment with all relevant strategic plans, including the Council endorsed *Ryde Local Strategic Planning Statement* and the draft Ryde Local Housing Strategy.

2. The Site and Locality

The planning proposal relates to all land currently zoned R2 Low Density Residential under the provisions of the Ryde LEP 2014.

3. The Planning Proposal

This Planning Proposal seeks to amend Ryde LEP 2014 by;

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- Removing as a permitted land use *Multi Dwelling Housing* from the Land Use Table for R2 Low Density Residential zone of Ryde LEP 2014,
- Deleting Clause 4.5A
- Amending Clause 4.1A to increase the land area and subdivision lot size for Dual Occupancy subdivision,
- Amending Clause 4.1B to remove references to Multi Dwelling Housing and to increase the lot size requirements for Dual Occupancy development.

The Planning Proposal as submitted (provided in **ATTACHMENT 1**) is considered to be generally in accordance with the requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment's 'A guide to preparing planning proposals' (dated December 2018). The planning proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed amending LEP;
- An explanation of the provisions that are to be included in the proposed amending LEP;
- Justification for those objectives, outcomes and provisions and the process for their implementation;
- Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Details of the community consultation that is to be undertaken on the planning proposal; and
- A project timeline.

4. Background

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.

The five zones provide different densities of development and aim to ensure 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. Following this significant growth, the Ryde community has indicated that it wants to see balance in how their neighbourhoods and centres accommodate this growth.

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A draft Local Housing Strategy has been prepared which has developed a housing vision and staged implementation plan, balancing the North District Plan's housing targets and the need for 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 in response to demographic characteristics 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 Medium Density Housing) (Part 3B of SEPP) has potential to significantly increase residential density, in the R2 Low Density Zone, 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.

Ryde LEP 2014 currently permits Multi dwelling housing in the R2 zone, therefore under the SEPP, Manor Houses and Multi dwelling housing will be permitted as Complying Development in the R2 zone.

Multi dwelling housing in Ryde is permitted in the R2 zone, but is currently 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.

Under the SEPP the site width 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 Multi Dwelling Housing. The 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 5,900 to approximately 19,000 additional dwellings. This, up to 14,000 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 in the short, medium

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or long term. It should be noted that 2.5 persons on average comprise a household in the City of Ryde.

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 and 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.

5. Planning Assessment

The assessment of the subject planning proposal has been undertaken in accordance with the NSW Department of Planning and Environment's 'A guide to preparing planning proposals' (dated December 2018).

• Part 1 Objectives or intended outcomes

This Planning Proposal seeks to amend RLEP 2014 by removing *Multi Dwelling Housing* as a permitted land use in the Land Use Table of the *R2 Low Density Residential zone* and amend the lot size controls for Dual Occupancy to ensure that the overall housing delivery numbers remain approximately the same.

The intended outcome of the Planning Proposal is;

- Provide housing delivery in appropriate locations that will ensure a mix of low, medium and high density housing to meet community needs.
- 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.
- Ensure that the proposed amended planning controls do not result in a decrease in dwellings allowed under the current controls.
- Commence the implementation of the City of Ryde Local Housing Strategy.

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• **Part 2 Explanation of provisions**

The submitted planning proposal seeks to amend the RLEP 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) permit Torrens title subdivision of Dual Occupancy (attached) constructed and where the lot has an area of at least 580m² development prior to this planning proposal coming into effect,
- (1) (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 750m²,
 - ii. One dwelling must be situated on each allotment that must have a minimum lot size of 375m².
- (2) Permit Strata subdivision of Dual Occupancy if the land has an area of at least 750m²

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) Amend the road frontage control from 20 metres to 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.

• **Part 3 Justification**

Need for the Planning Proposal

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The NSW Department of Planning and Environment's 'A guide to preparing planning proposals' requires the following two questions be answered to demonstrate the need for the proposal:

1. Is the planning proposal a result of any strategic study or report?

Response:

Yes, the planning proposal is consistent with the priority actions contained in the Council endorsed Local Strategic Planning Statement (LSPS) and the draft Ryde Local Housing Strategy.

Ryde Local Strategic Planning Statement

The LSPS deals with a full range of land use matters. However in relation to housing the LSPS will set the scene for LEP amendments by requiring the following:

- 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.

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 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.

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The Strategy, whilst supporting the Council approach to providing housing diversity and maintaining dwelling supply, determined that whilst this approach has achieved some good outcomes it is not sustainable in the medium and long term. 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. 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 12,786 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 increase the existing maximum theoretical dwelling capacity of the R2 Zone from the current 5,900 dwellings to between 13,778 to 19,097 dwellings.

It is clear from the above that there is no urgent need to deliver additional dwelling capacity in the short (5 year) term as the current development pipeline will exceed the Ryde 5 year dwelling target. This will allow scope for additional planning to be undertaken to encourage the delivery of diverse housing at appropriate levels in appropriate locations.

It is also clear from the projected impacts from the SEPP 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 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.

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

Response:

There are two means of achieving the objectives or intended outcomes for this matter being;

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- The Minister for Planning, Industry and Environment amends the SEPP to be consistent with the Ryde LEP 2014 controls for the R2 Low Density Residential zones excludes City of Ryde Council, or does not apply it to R2 Low Density Residential zones;
- The planning proposal, as submitted, is to progress the removal of Multi Dwelling Housing from the R2 Low Density Residential zone.

It is considered that the current planning proposal is the most effective and appropriate means to achieve the SEPP objectives and the appropriate outcomes for the Ryde LGA in this case.

Relationship to Strategic Planning Framework – The Strategic Merit Test

A strategic merit test is provided in the following table.

Strategic Merit Issue	Comment
State Environmental Planning Policies and Local Directions	The planning proposal is generally consistent with the relevant State Environmental Planning Policies and Local Planning Directions under Section 9.1 of the environmental Planning and assessment Act 1979. An analysis of compliance with these policies is provided in the attached planning proposal.
Greater Sydney Region Plan - A Metropolis of Three Cities	The planning proposal is generally consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities.
North District Plan	The planning proposal is generally consistent with the North District Plan.
Ryde Local Planning Study	The planning proposal is generally consistent with the Ryde Local Planning Study.
Ryde Local Strategic Planning Statement	The planning proposal is consistent with the Council endorsed LSPS 2019.
Draft Ryde Local Housing Strategy	The planning proposal is consistent with the draft Local Housing Strategy.

Key Assessment Issues

An assessment of the key issues relevant to the planning proposal is provided in the following table.

Site Specific Issues	Assessment
Housing density in the R2 <i>Low Density Residential Zone</i>	As identified in the draft Local Housing Strategy, the imminent commencement of Part 3B of the Codes SEPP has the potential to increase the theoretical dwelling capacity of the lands in the R2 zone from the current approximately 5,900 dwellings to between 13,778 to 19,097. This increase, in the absence of supporting infrastructure planning and delivery for such growth, is unsustainable. This planning proposal

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Site Specific Issues	Assessment
	is proposing to curb that substantial growth without resulting in an overall reduction in housing supply. This would then allow Council to undertake the appropriate planning to focus that growth around town centres.
Local character	The above mentioned growth figures, evidenced from the draft housing strategy, would have a substantial adverse impact on the character of existing low-density areas. The community consultation undertaken during the preparation of the LSPS and housing strategy indicate that this is a significant concern for the community and Council.
Servicing and local infrastructure	The existing low-density areas in the Ryde LGA could not adequately service growth that would be possible under the SEPP. Whilst high density and low density residential development is available in the LGA, more medium density residential development is required to service the community needs. The focusing of medium density development around existing transport and town centre services will enable adequate services and amenity for future residents. This medium density housing would also provide a development transition between the existing high and low density developments around the town centres.
Consistency with Council strategic planning direction	Council's strategic direction has been to focus medium to high density development close to centres. This is also a key direction for the North District Plan. The preparations of the LSP and draft local housing strategy have maintained this key direction and have proposed actions to maintain and implement this focus. This planning proposal is one of the first actions to implement this direction.

6. Conclusion

The planning proposal has been prepared as the first stage of implementing Council's Strategic planning directions set in the Local Strategic Planning Statement and the draft Ryde Local Housing Strategy. These directions have been developed in consultation with the community and indicate that the community's desire is to maintain the character of existing low density areas and direct medium density growth in localities around centres where they can be more readily serviced with appropriate infrastructure.

The planning proposal aims to mitigate the potential significant adverse impact that Part 3B of the SEPP will have on the R2 Low Density Residential zone in the Ryde LEP 2014. This action will not negatively impact on Council's ability to achieve housing targets, and is not intended to reduce overall dwelling potential. However, it

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will allow Council to undertake the necessary investigations and planning of the areas identified in the draft Local Housing Strategy for delivery of medium density housing.

The planning proposal does not intend to decrease the overall dwelling capacity in the LGA but does intend to mitigate any adverse impacts that the introduction of Part 3B of the SEPP will have on the character and servicing of existing localities in the R2 zone.

8. Recommendation

That the Ryde Local Planning Panel recommend to Council that the planning proposal, seeking to remove *Multi dwelling Housing* from the *R2 Low Density Residential* zone of the Ryde LEP 2014 and amend the planning controls relating to *Dual Occupancy (attached)* development, as attached to this report, be submitted for Gateway Determination under 3.34 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENTS

- 1 Planning Proposal
- 2 Draft Local Housing Strategy

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