

Density and dwelling permissibility in R3 Medium Density Zone - Amendment to Great Lakes LEP 2014

Proposal Title :	Density and dwelling permissibility in R3 Medium Density Zone - Amendment to Great Lakes LEP 2014		
Proposal Summary :	It is proposed to amend the provisions of the R3 Medium Density Zone in the Great Lakes LEP 2014. This will be achieved by allowing single dwellings as a permitted use, and introducing minimum residential density requirements for undeveloped land that is currently zoned R3.		
PP Number :	PP_2014_GLAKE_006_00	Dop File No :	14/19740

Proposal Details

Date Planning Proposal Received :	25-Nov-2014	LGA covered :	Great Lakes
Region :	Hunter	RPA :	Great Lakes Council
State Electorate :	MYALL LAKES PORT STEPHENS	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	LGA wide		

DoP Planning Officer Contact Details

Contact Name :	Dylan Meade
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RPA Contact Details

Contact Name :	Roger Busby
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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release (Ha) : 0.00

Type of Release (eg Residential / Employment land) : N/A

No. of Lots : 0

No. of Dwellings (where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : Yes

If No, comment :

Have there been meetings or communications with registered lobbyists? : No

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The statement of objectives provided that explains the planning proposal intends to:

- Ensure the development of R3 land is consistent with the objectives of the zone
- Encourage a diversity of housing within R3 zone greenfield sites
- Avoid development of predominately single detached dwellings with R3 zone greenfield sites
- Remove the prohibition of single dwellings
- Establish a minimum dwelling density of 35 dwellings per hectare

The statement of objectives is supported except for the objective to set a minimum dwelling density of 35 dwellings per hectare. Establishing a minimum dwellings density is supported, however more work is required to determine if 35 dwellings per hectare is an appropriate numerical target.

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

Is an explanation of provisions provided? Yes

Comment :

The explanation of provisions explains that the intent will be achieved through an amendment to Great Lakes LEP 2014 to:

- Make single dwellings permissible with consent in the R3 Medium Density Zone; and
- Insert new provisions which require a minimum development density of 35 dwellings per hectare to be achieved within the R3 Medium Density Residential zone for greenfield sites.

The explanation of provisions is supported except in relation to the minimum dwelling

density of 35 dwellings per hectare. As explained above, it is considered more work is required to determine if this is an appropriate numerical target. It is also considered that further explanation regarding how density will be calculated.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

5.1 Implementation of Regional Strategies

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

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

d) Which SEPPs have the RPA identified?

SEPP No 14—Coastal Wetlands

SEPP No 26—Littoral Rainforests

SEPP No 71—Coastal Protection

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

One of the key intents of the planning proposal is to set minimum density targets for the R3 Medium Density zone in undeveloped greenfield areas. This is supported. However, it is considered that additional work is required to demonstrate that the 35 dwellings per hectare is a feasible target.

It is unclear if a minimum of 35 dwellings per hectare is feasible for the greenfield areas identified. 35 dwellings per hectare is derived from a 'desired yield' in Council's local planning strategies, and is understood to not be based on detailed housing market analysis. The Housing Strategy for Forster Tuncurry identifies that residential site densities higher than 35 dwellings / ha have been achieved, however these are in more sought after locations adjacent to the coast compared with where the new targets will apply.

Other examples of minimum density provisions were considered as a comparison as part of this assessment. The Sydney Growth Centres requires 25 dwellings per hectare as a minimum target for certain areas. Liverpool LEP 2008 requires minimum dwellings density between 15 to 30 dwellings per hectare. Compared with these minimum density targets, it appears the 35 dwellings per hectare target may be overly ambitious for the Forster-Tuncurry area, when the higher land values and demand for medium density in the Sydney region is taken into account.

The planning proposal does not discuss if there is a need to amend minimum lot sizes, height or FSR controls. Lowering minimum lot sizes is considered an appropriate way to achieve higher densities and more diverse housing. The current minimum lot size provisions do not permit lot sizes smaller than 450m² unless it is part of an integrated development. The Housing Strategy for Forster Tuncurry identifies that to reach higher densities smaller lot sizes in the range of 200m² are required. The DCP provisions such as setbacks and road widths for areas where the minimum density target applies may also need to be modified to ensure development at the density sought is feasible.

Further work on how the provisions will be implemented is also required. It would be beneficial for stakeholders to be able to consider the definition of density. This may have implications for the achievability of the targets depending if site, net or gross density is used. It is recommended that Council works with the Regional Office to determine an appropriate definition of density prior to exhibition.

It is also unclear how a minimum density target will be enforced. The lot density approved at the subdivision DA stage may be different to the final dwelling density depending on how many of the lots will contain multi-dwelling housing.

Whilst setting a minimum density target is supported, it is considered that further work needs to be completed prior to exhibition to demonstrate that the numeric value of 35 dwellings per hectare is achievable given the other controls applying to the site and

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the underlying land values. It is recommended that Great Lakes Council should be required to work with the Department prior to exhibition to develop an appropriate exhibition package.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a minimum consultation period of 28 days. Although the proposal is assessed as being of low impact under the 'A Guide to Preparing LEPs', it is recommended that a minimum 28 day period be required as the proposal has the potential to generate substantial community interest and the provisions may require detailed examination by stakeholders.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **April 2014**

Comments in
relation to Principal
LEP :

The standard instrument Great Lakes LEP 2014 is in force.

Assessment Criteria

Need for planning
proposal :

Great Lakes Council explains the planning proposal is required in response to the occurrence of low density single detached development in the R3 Medium Density Zone.

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Consistency with strategic planning framework :

MID NORTH COAST REGIONAL STRATEGY

The proposal is consistent with the MNCRS, including the action for Councils to plan for a range of housing types of appropriate density, location and suitability that are capable of adapting and responding to the ageing of the population. A key intended outcome of the proposal is for more diverse housing within the R3 Medium Density zone. It is also considered that the proposal will achieve the MNCRS outcome to achieve higher dwelling densities in major towns such as Forster-Tuncurry.

HOUSING STRATEGY FOR FORSTER TUNCURRY (2005)

The Strategy envisages that a mix of medium density housing types will be constructed in locations adjoining neighbourhood centres achieving an average net density of 30 to 40 dwellings per hectare with a maximum building height of 3 storeys. The proposal is considered consistent with this Strategy.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

The following SEPPs are considered applicable to the planning proposal:

SEPP No 14—Coastal Wetlands

A small area of one of the R3 Medium Density Zoned area contains SEPP 14 Wetlands. The proposal is consistent with this SEPP as it does not modify zone boundaries, and the SEPP 14 provisions will still apply when any future development application is lodged for the land.

SEPP No 71—Coastal Protection

This SEPP is applicable as it applies to all land within the coastal zone. All greenfield sites subject to this proposal are located within the coastal zone. The proposal is considered consistent with the SEPP as matters listed under Clause 8 of the SEPP are addressed by the proposal or not relevant.

LOCAL PLANNING (SECTION 117) DIRECTIONS

The planning proposal is considered consistent with all Section 117 Directions, including meeting the objectives of 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, and 5.1 Implementation of Regional Strategies.

Environmental social economic impacts :

ENVIRONMENTAL

There are no identified impacts on the natural environment.

SOCIAL AND ECONOMIC

The planning proposal will result in positive social and economic benefits for the wider community through improved housing affordability.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :			

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Is Public Hearing by the PAC required? **Yes**

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal R3 medium Density Residential Zone - Version 1 Sept 2014.pdf	Proposal	Yes
Great Lakes Council_25-11-2014_Request for Gateway Determination - R3 medium Density Residential Zone greenfield sites_.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones
3.4 Integrating Land Use and Transport
5.1 Implementation of Regional Strategies**

Additional Information : **1. Prior to undertaking community consultation Council is to update the planning proposal to:**
(a) demonstrate how many dwellings per hectare is a feasible and achievable target for the R3 Medium Density Zone in the areas subject to the proposed minimum density provisions; and
(b) include an appropriate definition of density that will be used to measure the targets; and
(c) include proposed changes (if any) to minimum lot size, height of building, floor space ratio and any other relevant LEP provision.
The updated planning proposal is to be submitted to the Newcastle Regional Office for consideration before commencement of community consultation.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).

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3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The intent of the planning proposal is supported. Setting a minimum residential target will result in the most efficient use of land. The proposal will result in improved housing affordability and housing choice. Further work is required to be undertaken by Council prior to exhibition to demonstrate that an appropriate minimum density target can be achieved.

Signature:



Printed Name:

KOFLAHERTY Date: 7/12/2014