

Planning Proposal to increase the maximum size of internal Secondary Dwellings in Zone R2 - Low Density Residential and Zone R3 - Medium Density Residential

Proposal Title : Planning Proposal to increase the maximum size of internal Secondary Dwellings in Zone R2 - Low Density Residential and Zone R3 - Medium Density Residential

Proposal Summary : The planning proposal seeks to amend Warringah Local Environmental Plan 2011 (WLEP 2011) to allow internal Secondary Dwellings of up to 75 square metres within existing residential dwellings in Zone R2 - Low Density Residential and Zone R3 - Medium Density Residential.

The planning proposal does not change floor space limits for "attached" or "detached" Secondary Dwellings.

PP Number : PP_2015_WARRI_006_00 **Dop File No :** 15/16033

Proposal Details

Date Planning Proposal Received : 10-Nov-2015 **LGA covered :** Warringah

Region : Metro(CBD) **RPA :** Warringah Council

State Electorate : DAVIDSON WAKEHURST **Section of the Act :** 55 - Planning Proposal

LEP Type : Policy

Location Details

Street :

Suburb : **City :** **Postcode :**

Land Parcel : All land within Warringah LGA in Zone R2 - Low Density Residential and Zone R3 - Medium Density Residential.

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

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 : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Metropolitan (CBD) has not met any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting
Notes :

The Standard Instrument defines "Secondary Dwelling" as: a self-contained dwelling that:

(a) is established in conjunction with another dwelling (the principal dwelling), and

(b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and

(c) is located within, or is attached to, or is separate from, the principal dwelling.

State Environmental Planning Policy (SEPP) Affordable Rental Housing 2009, Division 2: Secondary Dwellings, provides the mechanism to permit Secondary Dwellings in residential zones (R1 – R5) as development that may be carried out with consent (Section 22) or as complying development (Section 23).

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

WLEP 2011 contains two residential zones - R2 Low Density Residential and R3 Medium Density Residential. Clause 5.4(9) of WLEP 2011 permits Secondary Dwellings if the total floor area of the dwelling (excluding any area used for parking) does not exceed:

a) 60 square metres; or

b) 11% of the total floor area of the principal dwelling, whichever is the greater.

The aim of the planning proposal is to allow Secondary Dwellings with floor areas of up to

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75 square metres, within existing dwellings.

The intent of the planning proposal will be achieved via an additional local clause in WLEP 2011. The proposed clause is based on Manly LEP 2013, Clause 6.17 Health consulting rooms and secondary dwellings in Zones E3 and E4, which reads:

(1) The objective of this clause is to ensure that certain development in certain environmental protection zones is low impact and without adverse effects on the specific ecological, social and aesthetic values of the land.

(2) This clause applies to land in Zone E3 Environmental Management and Zone E4 Environmental Living.

(3) Development consent must not be granted to development for a health consulting room or a secondary dwelling on land to which this clause applies unless the consent authority is satisfied that the development will be carried out within, or by alteration or addition to, a dwelling house.

It is noted that the planning proposal qualifies the floor area for secondary dwellings, as permitted under Clause 5.4(9) of WLEP 2011. Notwithstanding, the Department supports the planning proposal given both its intent and development outcomes are consistent with the current strategic planning framework, including SEPP (Affordable Rental Housing) 2009.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to allow Secondary Dwellings of up to 75 square metres within existing dwellings in Zone R2 - Low Density Residential and Zone R3 - Medium Density Residential.

The intended outcome of the proposal is that larger internal secondary dwellings will be developed in established residential areas which will, in turn, increase housing choice without increasing the size of existing dwellings.

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

Is an explanation of provisions provided? **Yes**

Comment : It is proposed to achieve the intent of the planning proposal by:

- amending the Land Use Table within WLEP 2011 by inserting "Secondary Dwellings" as a use "Permitted with Consent" in Zone R2 Low Density Residential;
- amending the Land Use Table within WLEP 2011 by inserting "Secondary Dwellings" as a use "Permitted with Consent" in Zone R3 Medium Density Residential;
- inserting a clause in WLEP 2011 Part 6 Additional Local Provisions, that:

a) contains an objective to ensure that development of Secondary Dwellings in Zones R2 - Low Density Residential and R3 Medium Density Residential is low impact, with no adverse effects on the ecological, social and aesthetic values of the land;

b) permits consent for a secondary dwelling of up to 75 square metres in Zones R2 - Low Density Residential and R3 Medium Density Residential, if the consent authority is satisfied that the development will be carried out wholly within an existing dwelling house.

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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

7.1 Implementation of A Plan for Growing Sydney

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

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

d) Which SEPPs have the RPA identified?

SEPP (Affordable Rental Housing) 2009

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

SEPP (Affordable Rental Housing) 2009

As discussed under "Supporting Notes", SEPP (Affordable Rental Housing) 2009, provides the mechanism to permit Secondary Dwellings in residential zones (R1 – R5.

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

Section 117 Directions:

3.1 Residential Zones -

The planning proposal is consistent with the objectives of this direction by

- encouraging variety and choice of housing types to meet existing and future housing needs;
- promoting development in established areas with access to existing infrastructure and services;
- reducing the need for new development on the urban fringe and avoiding associated environmental impacts.

3.4 Integrating Land Use and Transport

The planning proposal is consistent with the objectives of this direction by increasing housing choice in established residential areas and encouraging the use of available public transport services

7.1 Implementation of A Plan for Growing Sydney

The planning proposal is consistent with the objectives of this direction as discussed under "Consistency with the Strategic Planning Framework".

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

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

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council advised that community consultation will be undertaken in accordance with Council's Engagement Policy and the requirements of any Gateway Determination.

PROJECT TIMELINE

Council has provided an indicative project timeline with a completion date of August 2016.

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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 : **December 2011**

Comments in relation to Principal LEP : **Warringah Local Environmental Plan was notified on 9 December 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal is the result of a Council resolution made on 25 November 2014. The resolution was in response to a desktop review of the current proposal undertaken by Council.**

The current proposal was prompted by recent public forums hosted by Council discussing the affordability of housing in the LGA. These forums raised the need for appropriate short and longer term actions to address housing affordability.

Council concluded that the key community benefits of the proposal include the delivery of additional housing choice in Warringah whilst maintaining the existing character and built form of established residential areas. The proposal will directly assist families wanting to downsize, but also wanting to remain in their community and live independently. It will also help to meet current housing demands.

Consistency with strategic planning framework : **A Plan for Growing Sydney (2014)/ Draft North East Subregional Strategy (2007)/ Warringah Council Community Strategic Plan:**

The planning proposal is consistent with the current strategic planning framework as it aims to:
- allow more flexible internal Secondary Dwelling layouts which will, in turn, improve housing choice;
- support development within established residential areas, taking advantage of existing infrastructure;
- provide opportunities for affordable housing, especially for downsizing seniors and young families; and
- provide greater housing choice whilst maintaining the local character and built form of existing residential areas.

The Department's Policy Team has confirmed their in principle support for the intent of the proposal.

Environmental social economic impacts : **Environmental Impacts:**
The proposal will not increase the likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected.

Social and Economic:
The proposal will have positive social and economic effects, as it will allow more flexible

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affordable housing layouts particularly for downsizing seniors and young families.

Secondary dwellings of up to 75 square metres will allow for comfortable two bedroom dwellings to be built. Limiting these larger secondary dwellings to internal modifications will mean that the overall size of the principal dwelling will not be affected.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority
Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

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 : **The planning proposal may cause a marginal increase in demand for public infrastructure in established urban areas. Council anticipate that existing public infrastructure could accommodate this additional demand.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal.pdf	Proposal	Yes
Letter from Council.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
7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **It is recommended that the planning proposal should proceed subject to the following conditions:**

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

(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

2. 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).

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

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

Supporting Reasons :

The Department's supports the planning proposal given both its intent and development outcomes are consistent with the current strategic planning framework, including SEPP (Affordable Rental Housing) 2009. This is because the proposal will promote affordable housing options in Warringah LGA by allowing for larger internal Secondary Dwellings in established residential areas without impacting on the overall size of the principal dwelling.

Signature:



Printed Name:

Tim Archer

Date:

24.11.15

