

Planning Proposal

LEP Amendment – Minimum Lot Size
(R3 Medium Density Residential Zone)

Great Lakes Local Environmental Plan 2014

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1.0 Introduction

Great Lakes Local Environmental Plan (LEP) 2014 (Amendment No. 5) introduced a mechanism by which development on greenfield R3 Medium Density Residential Zone sites are now required to deliver dwelling densities that are consistent with the objectives of the R3 zone. This amendment was undertaken to ensure greenfield sites within the medium density residential zone were developed to higher densities, rather than the previous pattern of R3 zoned land being subdivided and occupied by single dwelling houses with some dual occupancies.

Amendment No. 5 created a new clause in the LEP (clause 7.23 Minimum dwelling density) which requires the subdivision of land on the nominated R3 zoned sites to achieve a minimum dwelling density. This clause references a Dwelling Density Map, which identifies those parcels of land affected by the new clause and the minimum density they must achieve (i.e. 30 dwellings per hectare). The Dwelling Density maps are shown in **Maps 1, 2 and 3**.

During the exhibition of the Planning Proposal for Amendment No. 5, the general response received in submissions and feedback from developers at a workshop facilitated by Council indicated the following:

- positive support for single dwellings to be permissible within the R3 Medium Density Residential Zone,
- no current demand for medium density housing in the local area,
- concern that multi-storey dwellings are costly to construct and not appealing to the current real estate markets,
- small lot housing would be a preferred option for achieving increased densities.

Developers expressed concern over the lack of demand for multi-storey housing developments in the local area, claiming that even those multi-storey developments with coastal views and in close proximity to central business areas are “slow to sell”. Whilst increasing density through multi-storey forms of housing remains an option for achieving increased densities within greenfield R3 sites, alternative housing options, such as small lot housing, should be considered.

Advice from the NSW Department of Planning and Environment also requested Council to consider modifying other planning controls such as minimum lot size and building height to enable the minimum density targets to be achieved.

1.1 Background

Further research and discussion with other Councils currently administering minimum density targets suggests that small lot housing is a feasible option for increasing density. Small lot housing is generally defined as a single dwelling on an allotment of land with a land area between 250m² and 450m². Small lot housing can take the form of detached and semi-detached dwellings. Small lot housing is gaining in popularity with both home owners and developers due to the affordability and economic viability this form of housing offers. Its popularity is also in response to other factors including:

- an increase in single person and couple-only households,
- housing affordability for first home buyers, the elderly and people from lower socio-economic backgrounds,
- an increase in retirees and older people seeking to downsize to smaller, easy care dwellings.

Affordability is one of the main drivers of the demand for small homes on compact lots. Small lot housing is also appealing to developers, allowing them to subdivide and sell off smaller lots, sharing infrastructure costs over a larger number of lots. Subsequently the overall development is considered more economically viable. Examples of small lot housing subdivision layouts and housing designs are contained in **Appendix A**.

The minimum development density for R3 zoned greenfield sites was chosen with the consideration of facilitating small lot housing.

The table below is indicative of the lot yield respective to lot size:

Minimum Lot Size	Density (based on single dwelling)
400m ²	25 dwellings per hectare
350m ²	28.6 dwellings per hectare
300m ²	33.3 dwellings per hectare

As shown above, a minimum lot size of 300m² can potentially yield a dwelling density of 33.3 dwellings per hectare. Given the locational context of the nominated greenfield R3 zoned sites within the former Great Lakes Local Government Area, a minimum density target of 30 dwellings per hectare was considered achievable.

Under the current provisions of the LEP 2014 the subject R3 sites have a minimum lot size of 1000sqm. Extracts from the LEP 2014 Lot Size Maps are shown in **Maps 4, 5 and 6**.

This planning proposal explains the intended effect of, and justification for, the proposed amendment to LEP 2014 with regard to land zoned R3 and identified on the LEP Dwelling Density Maps. The planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the recently updated Department of Planning and Environment (DPE) Guidelines, including *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

This planning proposal applies only to land identified on the LEP Dwelling Density Maps, and provides justification to amend the Lot Size Maps under LEP 2014. When approved, the planning proposal will enable any new lots created on the effected lands to have a minimum area of 300sqm.

2.0 Objectives, Intended Outcomes and Explanation of Provisions

2.1 Part 1: Objectives and Intended Outcomes

The primary objective of this planning proposal is to amend the LEP 2014 in accordance with the resolution made by Council on 28 September 2016:

- to decrease the minimum lot size from 1000sqm to 300sqm on lands identified by the Dwelling Density Map,
- to encourage diversity of housing types and styles within R3 Medium Density Residential zoned greenfield sites by enabling a range of lot sizes;
- to ensure suitable controls are provided that will assist to facilitate the minimum development density targets to be achieved.

This amendment is consistent with the objectives and intended outcomes of the Planning Proposal for R3 (Medium Density Residential Zone) Dwelling Density and Dwelling Permissibility.

The intended outcomes of the proposed amendments are:

- create provisions for small lot housing by decreasing the minimum lot size
- create housing diversity and affordable housing options

The intended outcome is best achieved by amending the appropriate Lot Size Maps.

2.2 Part 2: Explanation of Provisions

For the relevant land, it is proposed to alter the applicable Lot Size Maps (Sheets LSZ_010C, LSZ_010D and LSZ_011E) so that:

- a) for land zoned R3 Medium Density Residential Zone – the minimum lot size is decreased from the current 1000sqm to 300sqm, from U (1000sqm) to D (300sqm), and

Amended Lot Size Map showing the proposed changes is provided in **Maps 7, 8 and 9**.

3.0 Justification

3.1 Section A – Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

The planning proposal arises from the need to provide greater housing diversity within the R3 Medium Density Residential Zone. Council amended the LEP 2014 (Amendment No. 5) to require a minimum dwelling density to be achieved on greenfield R3 Medium Density Residential Zone sites. In order to promote housing diversity Council now seeks to amend the minimum lot size to enable small lot housing to be undertaken within these R3 greenfield sites.

Presently, under LEP 2014 the minimum lot size for the R3 Medium Density Residential Zone is 1,000m². Clause 4.1A does, however, allow for the subdivision of land to a minimum lot size of 200m² for integrated development in this zone. "Integrated development" is where the development application for the subdivision of land also includes the proposed dwellings to be built on each lot of the subdivided land. This form of development allows for issues associated with small lot housing such as privacy, overlooking, overshadowing, setbacks and car parking to be considered by Council prior to issuing approval for the subdivision of land.

Whilst Clause 4.1A currently allows for small lot housing as integrated development, it would be reasonable to amend the LEP 2014 to reduce the minimum lot size for the greenfield R3 zoned sites, from the current 1000m² to a minimum lot size of 300m². This would allow subdivision into smaller lots without the full details of each dwelling on each lot having to be included in the application. It also acknowledges the suggestion by the Department of Planning and Environment for Council to review the planning controls for the R3 Medium Density Residential Zone to facilitate small lot housing developments.

A reduction in the minimum lot size should only be undertaken in conjunction with the preparation of additional Development Control Plan (DCP) provisions for small lot housing. Without such provisions development applications could be lodged for small lot subdivision and there would be no guidance on the type and form of houses to be built on each lot. As lots reduce in size it is critical for the form and type of housing design to be properly addressed. Such provisions would assist in facilitating and guiding small lot housing, ensuring both housing density and diversity is achieved.

Draft DCP provisions are in the process of being prepared and will be publicly exhibited concurrently with this planning proposal. The draft provisions will require a Precinct Plan, to demonstrate the minimum dwelling density, and a Building Envelope Plan (BEP) to be submitted with any development application for subdivision of land. The BEP is to address some of the key principles such privacy, solar access, setbacks, private open space and parking. This approach would respond to some of the issues raised by the development industry.

Additional DCP provisions have been prepared to guide the development of Precinct Plans. Such provisions include the following principles:

- Encourage housing diversity and a mixture of housing forms that meet the needs of a

- diverse range of the population;
- Ensure suitable location of housing forms which support the existing landform and natural attributes and outlooks;
- Demonstrated connectivity and integration between housing, streetscape and open spaces to create liveable and vibrant communities;

Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

New planning controls were introduced into the LEP 2014 to ensure that a desired minimum development density is achieved for R3 Medium Density Residential Zone greenfield sites. However the current minimum lot size provisions for these sites is incompatible with the ability to create small lot housing. Amending the minimum lot size provisions will allow land to be subdivided into smaller lots to promote diversity in housing choice and accommodate the growing number of smaller households.

Advice from the Department of Planning and Environment, in response to planning proposal for introducing a minimum development density, indicated that Council should consider amending other planning controls to enable the densities targets to be achieved. Council considers that amending the lot size on the relevant R3 zoned land will allow greater flexibility in housing options and introduce much needed diversity into the local housing market.

Subsequently, a planning proposal to amend the relevant lot size maps, by reducing the minimum lot size to 300m², is considered the best means of ensuring that housing diversity and housing density is achieved.

3.2 Section B – Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?

Mid North Coast Regional Strategy

The Mid North Coast Regional Strategy (MNCRS) was prepared by the (former) Department of Planning to provide the overarching strategic planning document for the region for the period 2006 – 2031. The strategy identifies that the most significant implications of future housing in the region is a trend towards smaller households and a greater number of dwellings for single person or couple-only households will be needed. Subsequently the number of dwellings will increase and new styles of housing, especially smaller and easier to manage dwellings, will be required.

The MNCRS is consistent with the planning proposal and aims to

- *ensure that new housing meets the needs of smaller households and an aging population by encouraging a shift in dwelling mix and type so that 60% of new housing is the traditional detached style and 40% is of multi-unit style.*

The planning proposal is further supported by the settlement principles contained within the MNCRS which states that *“settlement areas will be appropriately located and designed to maximise the affordability of housing, as well as to provide the type of housing styles and dwelling mixes that are appropriate to the aging population.”*

The MNCRS identifies Forster–Tuncurry as a major town and promotes that higher dwelling densities in major towns will enable an appropriate mix of housing styles. The MNCRS claims that *“where higher density housing styles are able to be met, consistent with the character and design values, it will enable affordability and tourism demands to be met, while encouraging housing opportunities appropriate to the ageing of the population.”*

By ensuring that future development of R3 Medium Density Residential Zone greenfield sites is consistent with the objectives of the zone, it will provide the housing opportunities consistent with the outcomes of the MNCRS. The planning proposal seeks to decrease the minimum lot size provisions for R3 greenfield sites in order to achieve minimum density targets, and promote housing diversity within appropriate locations near to major towns and services. Thus the planning proposal is consistent with the principles, actions and outcomes of the MNCRS.

Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with the following local strategic plans:

- Forster Tuncurry Conservation and Development Strategy (2003)
- Housing Strategy for Forster Tuncurry (2005)
- Tea Gardens Hawks Nest Conservation and Development Strategy (2003)
- Tea Gardens/Hawks Nest Housing Strategy (2006)

- South Forster Structure Plan (2006)
- Great Lakes 2030 Community Strategic Plan (2013)
- Great Lakes Council Active Ageing Strategy 2015-2018 (2014)

Forster Tuncurry Conservation and Development Strategy (2003)

The Forster Tuncurry Conservation and Development Strategy (FTCDS) was prepared by Council with the aim of ensuring a sustainable approach to land use planning and management within Forster/Tuncurry. This strategy includes consideration of environmental, economic and social factors. The strategy aims to identify options for future growth while safeguarding environmental quality.

Similar to the future growth projections of the MNCRS, the FTCDS identifies that the number of people living in each household is declining. The FTCDS acknowledges that smaller families have different needs –they may not wish, or cannot afford, to own a large house on a quarter acre block. The strategy claims that instead, *“opportunities to apply innovative urban designs that provide more compact settlements and lessen the reliance on private transport, may be more readily accepted in the market.”*

The strategy identifies the desired future character of towns and villages within the Great Lakes LGA. Consistent with the planning proposal, the FTCDS identifies “South Forster” as a precinct with potential for urban expansion. The FTCDS states that the future character envisaged for this precinct is *“low and medium density residential development in association with some commercial and community uses.”*

Several design elements for this precinct have been identified to encourage development that reduces urban sprawl and makes the most efficient use of infrastructure, community facilities and physical attributes of the precinct. The following design elements are consistent with the desired outcomes of this planning proposal:

- Reduce land and transport requirements by achieving higher minimum average density targets, particularly near town centres/activities centres such as shops and transport nodes.
- Create “neighbourhoods” by variation in development density, provisions of open space and centrally located neighbourhood facilities such as shops and meeting places.
- Provide a mix of housing types including provisions for affordable housing, older people, single households and families.

The location of the medium density residential zoned greenfield sites in the South Forster area are generally consistent with the location of sites identified for future urban expansion in the FTCDS. The strategy supports the need for greater development densities and housing diversity to be achieved in order to accommodate the increasing number of smaller households, thus provides support to the planning proposal.

Housing Strategy for Forster Tuncurry (2005)

Council commissioned a Housing Strategy for Forster Tuncurry to provide detailed information relating to housing supply and demand within the Forster Tuncurry region to help guide decisions on residential densities, neighbourhood design and housing type. Consistent with the planning proposal, this strategy identifies the important role medium density housing plays in providing for a variety of housing choice in the Forster area. The strategy promotes that *“full development of*

zoned medium and high density areas is to be encouraged as a means to provide for the communities changing housing needs”.

The strategy identifies a decline in the number of people per household in the future, creating an increase in demand for smaller housing options. As a significant proportion of the community is elderly, it is expected that appropriate housing types will be needed to accommodate the growing number of disabled people and those with limited mobility. The planning proposal will assist by encouraging opportunities for a diverse range of housing choices, including smaller easy care housing options suited to the needs of an aging population.

According to this strategy, a range of housing types, tenures and styles are needed to meet the needs of people at different stages of their life cycle and negative economic circumstances. By providing for a greater diversity of housing options, the proposal will help to stimulate diversity amongst the local demographic, those people currently excluded from the area due to a lack of affordable housing.

Furthermore, the need for increased densities is specifically supported by the Housing Strategy which states that *“On land adjacent to the proposed focal points of activity (i.e. the proposed Neighbourhood Centre, community facilities and open space areas), it is envisages that a mix of medium density housing types will be constructed within these locations achieving an average net density of 30 to 40 dwellings per hectare with a maximum building height of 3 storeys.”* This proposal seeks to amend planning controls which will ensure such densities are achieved and in doing so will provide the focal points for future liveable neighbourhoods.

Tea Gardens Hawks Nest Conservation and Development Strategy (2003)

The Tea Gardens Hawks Nest Conservation and Development Strategy (TG/HNCDS) was prepared by Council with the intent of being the blueprint for Council to use in order to balance social, economic and ecological interests in the Tea Gardens/Hawks Nest area. Council recognised the need for a broad strategy to set a conservation framework and to guide development within the Tea Gardens/Hawks Nest area. The strategy provides greater certainty for the community and developers about the areas that can sustain development and area that should be conserved.

Population statistics for the Tea Gardens Hawks Nest in 2001 revealed a community profile dominated by people age 60 years and over. The area has been popular amongst retirees choosing to relocate to the area for its scenic qualities, lifestyle opportunities and affordable housing, in comparison to the Central Coast and Sydney markets. The strategy identified a decline in the number of people per household over the previous 20 years and anticipated that future occupancy rates would continue to fall with an increase in single person or couple only households. More recent population statistics supports this prediction, with 2011 census data revealing growth in the over 60's category, which makes up nearly 50% of the total population.

In response, the TG/HNCDS strategy acknowledges that *“more housing will be needed to accommodate the incoming population of smaller households.* Furthermore the strategy predicts a *“greater market demand for innovative housing designs that provide more compact settlements with less reliance on private transport”.* In order to achieve more housing, the strategy promotes the need for increasing densities in “greenfield” areas within suitable locations that will meet the

needs of the future population. The strategy suggests that *“higher density development should be located near activity centres such as shops or transport nodes and interchanges.”*

The strategy supports the need for greater development densities and housing diversity in order to accommodate the increasing number of smaller households. The strategy identifies that *“Council must encourage development that not only meets the current market aspirations, but will also meet the future needs of the community.”* The planning proposal seeks to ensure that future development of greenfield medium density sites in Tea Gardens and Hawks Nest achieve higher density yields and options for small lot housing to support the predicted future growth. Subsequently the proposal is consistent with the outcomes of the TG/HNCDS.

Tea Gardens/Hawks Nest Housing Strategy (2006)

Following the completion of the TG/HNCDS, the Housing Strategy was prepared to specifically address the provision of future housing in the Tea Gardens and Hawks Nest areas. The housing strategy acts as a guide for the preparation of future rezoning and development control provisions associated with housing.

The housing strategy identifies a set of principles consistent with the concept of sustainability and best practise urban form outcomes. Relevant to the planning proposal are the following two key principles:

- Encourage higher densities around focal points
- Restrict the inefficient use of land

The strategy supports the need to promote higher densities at suitable locations, near transport nodes and interchanges, as well as the development of land to its full potential. The planning proposal supports the above principles.

The strategy indicates that development of medium density zoned land in Tea Gardens has effectively achieved suitable density yields. The housing strategy identifies that *“average densities in the medium density zone are around 50 dwellings per hectare”*. Furthermore the strategy indicates that *“it is reasonable to expect that two storey medium density residential development could achieve around 35 dwellings per hectare”*, thus delivering the desired densities for greenfield medium density sites. With several large greenfield medium density sites in Tea Gardens and Hawks Nest, Council believes that new planning provisions are necessary to ensure these densities continue to be achieved in the future.

Future growth projections for Tea Gardens and Hawks Nest indicate a predominately ageing population. The MNCRS forecasts an increasing number of smaller households and thus a greater future demand for smaller easy care housing options. The housing strategy supports the need for greater housing diversity and recommends that *“future housing needs to reflect the population characteristics with housing for the aging population required”*.

The housing strategy also identifies the need for greater housing diversity to help promote affordable housing options in Tea Gardens and Hawks Nest. The strategy claims *“the most effective measure that Council can undertake to encourage affordable housing is to ensure that a mixture of housing styles, types and sizes is provided in the future.”* By reducing the minimum lot size provisions Council will be encouraging housing diversity necessary to assist in the provision of affordable housing.

South Forster Structure Plan (2006)

The South Forster Structure Plan (SFSP) was prepared by Council to guide future planning and development of the South Forster area. The SFSP combines the findings of previous strategies in terms of the protection of the environment, the provision of necessary infrastructure and the provision of appropriate forms of housing to meet the needs of the future population.

The SFSP indicates the need to “optimise the use of available land” in South Forster. It identifies that a higher proportion of appropriately located and well-designed medium density housing is required and that greater diversity of housing styles and designs is essential in meeting the needs of future communities.

The SFSP acknowledges the need to increase residential densities with the South Forster area. The plan identifies that the current housing stock in South Forster is predominantly single dwellings. The SFSP recognises that *“to ensure the efficient use of the remaining vacant land, the amount of single dwellings must be controlled and an emphasis placed on innovations and quality design of a mix of higher density housing forms in appropriate locations.”* The proposal seeks to support the minimum density provisions within the planning framework which will ensure future development of R3 greenfield sites in South Forster reach their full potential and deliver a better “mix” of housing.

The SFSP maps the location of the existing medium density residential greenfield sites, as well as additional areas where the R3 zone may potentially be expanded in the future in the South Forster area. All sites are well located to be established as neighbourhood centres, supported by local services, existing road networks, future open spaces and low density housing.

Great Lakes 2030 Community Strategic Plan (2013)

The Great Lakes 2030 Community Strategic Plan (GL 2030) is a future planning document which aligns the community’s vision with a clear strategic direction for the Great Lakes region over the long term. The plan provides a blueprint for Council to ensure the delivery of infrastructure and services to meet the needs of the community.

A key objective of this plan is to “Plan for sustainable growth and development”. The plan identifies that this objective is to be achieved through managing growth to reflect current and future needs of the community. The composition and housing needs of the community in the future, as identified by the MNCRS, indicates a trend towards a high demand for smaller single and couple-only households supported by small easy care housing styles.

GL 2030 seeks to build a strong local economy. The Plan identifies the need to promote the Great Lakes region as an attractive area for residents and visitor by encouraging a supportive business environment, job opportunities, as well as transport and infrastructure that meets future needs. By creating provisions to achieve increased densities by reducing the minimum lot size, the planning proposal will encourage innovative building designs and housing diversity which is currently lacking in the Forster and Tea Gardens areas. The planning proposal is consistent with the principles of GL2030 in creating liveable communities which support the local economy.

A key direction of GL 2030 is for Council to be a leader within the community. The planning proposal responds to representations made within the community for Council to be proactive in shaping the character of its local communities. Previously it has been left to the market to dictate how medium density land should be developed. As a result, prime land best suited for accommodating higher densities has been used for low density development. By creating new provisions to guide development within greenfield R3 Medium Density Residential Zone lands, Council demonstrates its leadership by ensuring that future development of these sites fulfils the desired outcomes and objectives of the R3 zone.

Great Lakes Council Active Ageing Strategy 2015-2018 (2014)

The Great Lakes Council Active Ageing Strategy 2015-2018 (AAS) is the result of a joint project between Great Lakes Council and the Council on the Ageing NSW (COTA). With the highest population of older people in NSW, Great Lakes Council made a commitment to be recognised as an "Ageing Centre of Excellence".

The preparation and endorsement of this strategy was fundamental to Council gathering baseline information from older residents and gaining membership to the World Health Organisation (WHO) Global Network of Age-friendly Cities and Communities (GNAFCC). Members of the WHO GNAFCC network are located in different countries around the globe, encompassing a diverse cultural and socio-economic background. However all members share the desire and commitment to create physical and social environments that promote healthy active ageing and a good quality of life for their older residents.

The AAS identifies a number of strategies consistent with the planning proposal. These are:

- Encourage collaboration between all sectors involved in the design and development of urban spaces and housing to create more age-friendly places and spaces;
- Plan new developments including a focus on an ageing population and incorporate the principles of universal design across the design of neighbourhoods and housing;
- Encourage the development of housing at lower price points to suit people on low incomes.

The planning proposal seeks amend lot size provisions which will support the development of land reserve for medium density housing to effectively deliver suitable density outcomes. The proposed amendment is essential to facilitating the delivering of a diverse range of housing options, including small lot housing (i.e. 300m² lot size), providing more affordable and easy care homes for older residents. The greenfield R3 zoned sites are well located to become neighbourhood centres, supported by local services, existing road networks, future open spaces and low density housing, thus enabling the future development of well-designed neighbourhoods suitable to older residents.

Is the Planning Proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policy Number 14 – Coastal Wetlands

There are numerous SEPP 14 lands in the Wallis Lake and in Pipers Creek area, adjacent to Forster, as well as in the lower Myall River, adjacent to Tea Gardens and Hawks Nest. The majority of greenfield medium density residential sites affected by this proposal do not include any mapped SEPP 14 lands.

A small portion of R3 zoned land adjacent to Piper's Bay, South Forster contains SEPP 14 lands. This site however has been substantially modified over time, cleared and used for grazing cattle. This site has previously been rezoned to R3 and identified as being capable of supporting development without causing significant impact to nearby wetlands. The outcomes facilitated by this proposal will not significantly increase the potential for adverse impacts to the SEPP 14 lands. All provisions relating to development on or adjacent to SEPP 14 lands still apply to any future development proposals for the subject site.

State Environmental Planning Policy Number 26 – Littoral Rainforest

There are no areas within or adjoining the greenfield R3 Medium Density Residential zone sites affected by this proposal which are mapped State Environmental Planning Policy 26 – Littoral Rainforest.

State Environmental Planning Policy 71

State Environmental Planning Policy 71 – Coastal Protection (SEPP 71) applies to all land within the coastal zone as defined in the Coastal Protection Act. All greenfield R3 Medium Density Residential zone sites affected by this proposal are located within the coastal zone. SEPP 71 requires Council to consider the matters listed in Clause 8 of the Policy when Council proposes to prepare a draft Local Environmental Plan.

The following points address the matters listed in Clause 8:

- The Planning Proposal is consistent with the aims of SEPP 71;
- The Planning Proposal will not alter existing access to and along coastal foreshores;
- The outcomes facilitated by the Planning Proposal will ensure suitable development, consistent with the objectives of the R3 Medium Density Residential Zone, is achieved for greenfield sites;
- The outcomes facilitated by the Planning Proposal will not cause overshadowing or impact on views from coastal foreshores;
- The outcomes facilitated by the Planning Proposal will maintain the existing scenic qualities of the New South Wales coast;
- The outcomes facilitated by the Planning Proposal will not impact on terrestrial habitats, aquatic habitats, threatened species or wildlife corridors;
- The outcomes facilitated by the Planning Proposal will not impact on coastal processes and coastal hazards. New development within the R3 greenfield sites will need to ensure they are designed to alleviate the potential for flooding and impacts of erosion.
- The Planning Proposal seeks to reduce minimum lot size provisions to promote increased dwelling densities, thus encouraging compact towns and cities consistent with SEPP 71;
- The outcomes facilitated by the Planning Proposal will not negatively impact on the water quality of coastal water bodies. New development within the R3 greenfield sites will need to ensure compliance with Council's stringent water quality provisions.
- The outcomes facilitated by this Planning Proposal will not have a bearing on the potential for conflict between land and water based activities.

The Planning Proposal is considered acceptable and will not impinge on the scenic qualities of the coast. The proposal is consistent with SEPP 71.

The planning proposal is consistent with all other relevant SEPP's.

Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The Minister for Planning, under section 117(2) of the EP&A Act, issues directions that relevant planning authorities such as local councils must follow when preparing planning proposals for new LEPs. **Table 1** contains a response to each of the relevant directions in relation to the planning proposal.

Table 1 – Ministerial Directions

Direction	Aim of Direction	Response
EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial lands and support the viability of identified strategic centres.	Not relevant to this planning proposal.
1.2 Rural Zones	This direction applies to any planning proposal that will affect an existing or proposed rural zone. The direction states a planning proposal must not rezone rural land to urban or contain provisions to increase permissible densities in rural zones.	Not relevant to this planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Not relevant to this planning proposal.
1.4 Oyster Aquaculture	The objectives of this direction are to ensure Priority Oyster Aquaculture Areas and other aquaculture areas are adequately considered by planning proposals.	Not relevant to this planning proposal.
1.5 Rural Lands	The objectives of this direction to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes."	Not relevant to this planning proposal.
ENVIRONMENT AND HERITAGE		

Direction	Aim of Direction	Response
2.1 Environment Protection Zones	To protect and conserve environmentally sensitive areas.	The planning proposal will not impact on environmentally sensitive areas.
2.2 Coastal Protection	The objective of this direction is to implement the principles in the NSW Coastal Policy.	Not relevant to this planning proposal.
2.3 Heritage Protection	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Not relevant to this planning proposal as the affected sites are already zoned for residential development, and do not contain heritage items and/ or not located within a heritage conservation area.
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Not relevant to this planning proposal.
HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing, minimise the impact of residential development on the environment and resource lands to make efficient use of infrastructure and services.	The planning proposal is consistent with this direction and promotes a range of future housing designs and styles. The proposal will optimise the development potential of R3 Medium Density Residential zone for greenfield sites and ensure efficient use of infrastructure and services.
3.2 Caravan Parks and Manufactured Home Estates	To provide for a variety of housing types and to provide opportunities for caravan parks and manufactured home estates.	Not relevant to this planning proposal.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	The planning proposal will not amend the permissibility for 'home occupations' to be undertaken in the R3 Medium Density Residential Zone.

Direction	Aim of Direction	Response
3.4 Integrating Land Use and Transport	The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks; and improving access to housing, jobs and services by methods other than private vehicles.	Existing R3 Medium Density Residential zone for greenfield sites are located in close proximity to public transport infrastructure and road networks. This planning proposal seeks to assist future housing within R3 Medium Density Residential zone for greenfield sites achieves minimum density targets. In doing so transport infrastructure and services will be effectively utilised.
3.5 Development Near Licensed Aerodromes	To ensure the effective and safe operation of aerodromes.	Not relevant to this planning proposal.
3.6 Shooting Ranges	One of the main objectives is to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land.	There are no shooting ranges within the vicinity of R3 Medium Density Residential Zone land. This direction is not relevant to this planning proposal.
HAZARD AND RISK		
4.1 Acid Sulfate Soils	To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils (ASS).	Not relevant to this planning proposal.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence	Not relevant to this planning proposal.
4.3 Flood Prone Land	This direction aims to reduce the risk of flood and to ensure that the development of flood prone land is consistent with NSW Flood Prone land policy.	The planning proposal has no effect on the requirement for future development on flood prone land to comply with the NSW Flood Prone Land Policy. All future development on R3 Medium Density Residential zoned greenfield sites will need to ensure the risk of flooding is effectively mitigated at the development application stage. The planning proposal is consistent with this direction.
4.4 Planning for Bushfire Protection	To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.	Not relevant to this planning proposal as the affected land is already zoned for residential development.
REGIONAL PLANNING		

Direction	Aim of Direction	Response
5.1 Implementation of Regional Strategies	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The MNCRS aims to "ensure that new housing meets the needs of smaller households and an aging population by encouraging a shift in dwelling mix and type so that 60% of new housing is the traditional detached style and 40% is of multi-unit style". Furthermore it proposes that "settlement areas will be appropriately located and designed to maximise the affordability of housing, as well as to provide the type of housing styles and dwelling mixes that are appropriate to the aging population." The planning proposal is consistent with this direction in sustaining the visions and strategies of MNCRS. The planning proposal will assist in achieving higher development densities and range of future housing styles in appropriately located areas.
5.2 Sydney Drinking Water Catchments	The objective of this direction is to protect water quality in the Sydney drinking water catchment.	Not relevant to this planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	To manage agricultural lands on the Far North Coast.	Not relevant to this planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	To manage commercial and retail development along the Pacific Highway	Not relevant to this planning proposal.
5.8 Second Sydney Airport: Badgerys Creek	The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.	Not relevant to this planning proposal.
LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that GLLEP provisions encourage the efficient and appropriate assessment of development.	Not relevant to this planning proposal.
6.2 Reserving Land for Public Purposes	To facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required from acquisition.	Not relevant to this planning proposal.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Not relevant to this planning proposal.
METROPOLITAN PLANNING		

Direction	Aim of Direction	Response
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	Not relevant to this planning proposal.

3.3 Section C – Environmental, social & economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal will not result in any adverse impacts on critical habitats or threatened species.

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

The planning proposal will not result in any adverse impacts on the surrounding environment.

Has the Planning Proposal adequately addressed any social and economic effects?

Social

The housing strategies for Forster/Tuncurry and Tea Gardens/Hawks Nest anticipate that the average occupancy rate of people per dwelling will continue to decline, creating an increase in demand for smaller housing options. With a predominately aging population the strategy identifies that there will be a need to create appropriate housing types to accommodate the growing number of disabled people and those with limited mobility. The planning proposal will assist in providing an opportunity for a diverse range of housing choices, including smaller housing options suited to the needs of an aging population.

The planning proposal will assist in promoting a greater diversity of housing choices which will suit the needs of a broader section of the community. The current housing styles in Forster and Tea Gardens are largely dominated by single dwellings and dual occupancy developments. Subsequently lower income earners find it very difficult to enter the housing market, unable to afford to rent or buy accommodation in these coastal towns. This is clearly reflected in the local population demographic which reveals a very low percentage of the population aged 20-30 years and a very high percentage of the population over 60 years of age.

The housing strategies identify that a range of housing types, tenures and styles should be available to meet the needs of people at different stages of their life cycle and negative economic circumstances. Single parent families which comprise 10% of the population (Census, 2011) and young people on lower incomes are particularly vulnerable to housing stress with limited housing options available to them. By providing for a greater diversity of housing options, the planning proposal will assist by helping to avoid the impacts of a housing market that excludes all but the relatively high income earners.

Furthermore by encouraging a mix of developments (retail, residential, commercial) within greenfield R3 Medium Density Residential zoned sites, the planning proposal will assist in the creation of connected and liveable neighbourhoods. Such neighbourhoods would promote safe and convenient pedestrian access to local services and facilities, as well as access by public transport to nearby larger shopping centres.

Economic

The planning proposal seeks to generate a greater diversity in housing options, thus providing for the housing needs of a more diverse demographic in the future. The Housing Strategy for Forster Tuncurry identifies that the trend in recent years of land being released for single dwellings must be controlled and an emphasis placed on innovation and quality of design of a mix of higher density housing forms in appropriate locations.

Smaller easy care housing design options would provide significant economic advantage to lower income families, such as single parent families, older people or single person households. Similarly, smaller housing options would greatly benefit young people and older couples who cannot afford the high costs associated with renting or purchasing a dwelling. The proximity of greenfield R3 Medium Density Residential sites to services and local neighbourhood shops would further assist lower income families without access to a private vehicle. The sites are located to ensure easy access to public transport and connectivity to larger shopping centres and services.

The planning proposal would also provide greater economic viability of Council's infrastructure and services as a result of a more concentrated density of the population within greenfield medium density residential sites. Waste services would be more economically viable, as would the maintenance of roads networks, pedestrian walkways and other community facilities with a greater number of users accessing the infrastructure.

An increase in the density and style of housing may also generate a greater level of economic viability related to the cost of construction for developers. Small lot housing on lots with a minimum area of 300m², has the potential to increase housing density similar to densities obtained by multi-storey and multi-dwelling developments. Small lot housing developments, as favoured by developers, allows for more economically viable returns without costly development overheads and long term holding costs.

3.4 Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Water and Sewer:

Midcoast Water is the local government authority responsible for providing water and sewerage services to the Great Lakes, Greater Taree and Gloucester local government areas. Midcoast water have recently completed a revision of the *“Forster and Pacific Palms Sewer Servicing Strategy”* and the *“Manning District Water Supply Strategy”*. These strategies outline the infrastructure necessary to accommodate the existing and future demand for sewer and water services. Both strategies indicate that there is adequate capacity at the Forster Waste Water Treatment Works and the supply from the Manning Water Supply Scheme to accommodate future development in South Forster, including the provision of medium density residential development. The land affected by the Planning Proposal is already zoned for development so there is no unanticipated additional loading upon these services.

Electricity

The land affected by the Planning Proposal is already zoned for development so there is no unanticipated additional loading upon these services.

Telecommunications

The land affected by the Planning Proposal is already zoned for development so there is no unanticipated additional loading upon these services.

Road access

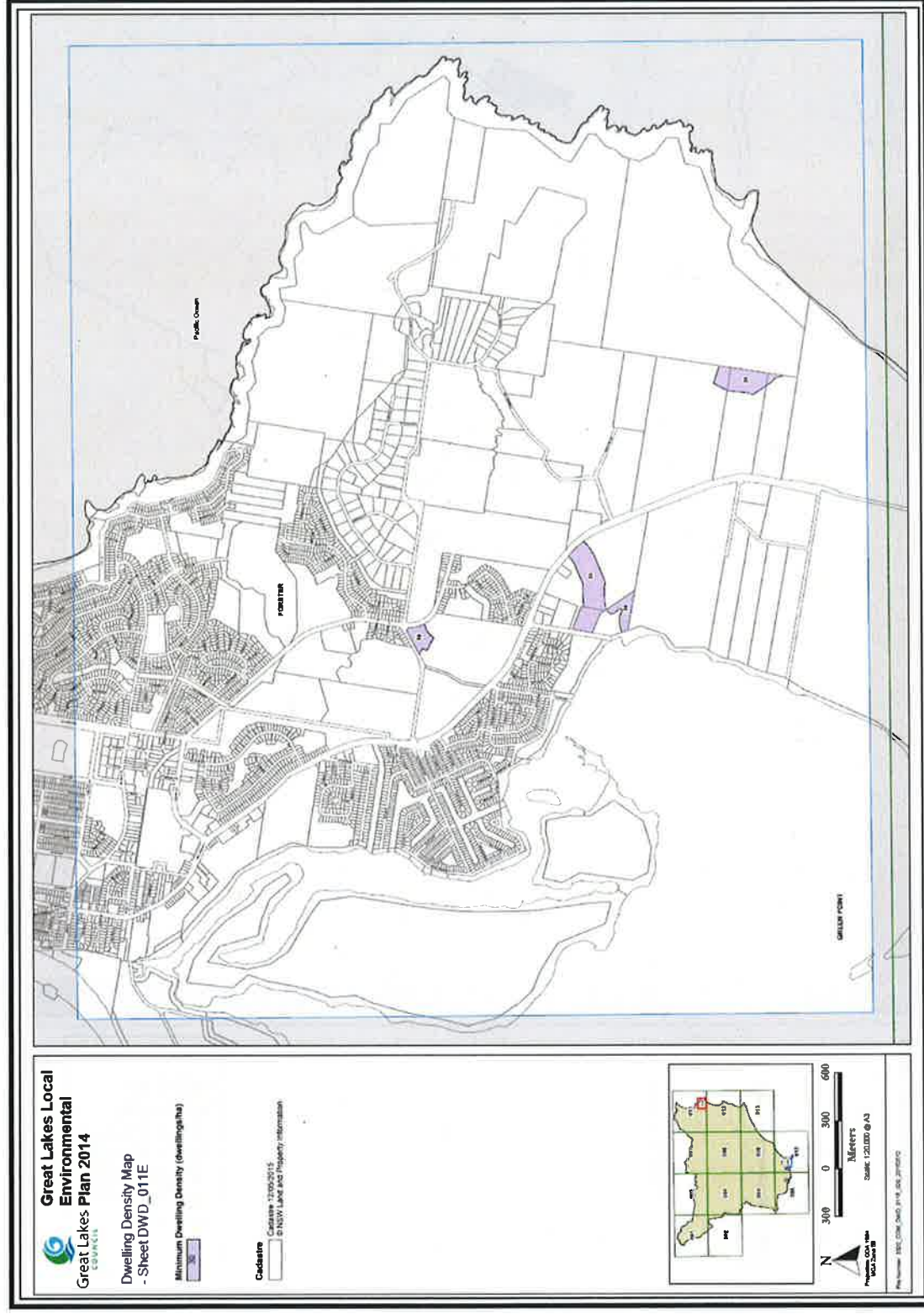
The land affected by the Planning Proposal is already zoned for development so there is no unanticipated additional loading upon these services.

This planning proposal will ensure future investment in the construction and maintenance of these roads is worthwhile, and the road network is well utilised as a result of higher densities being achieved.

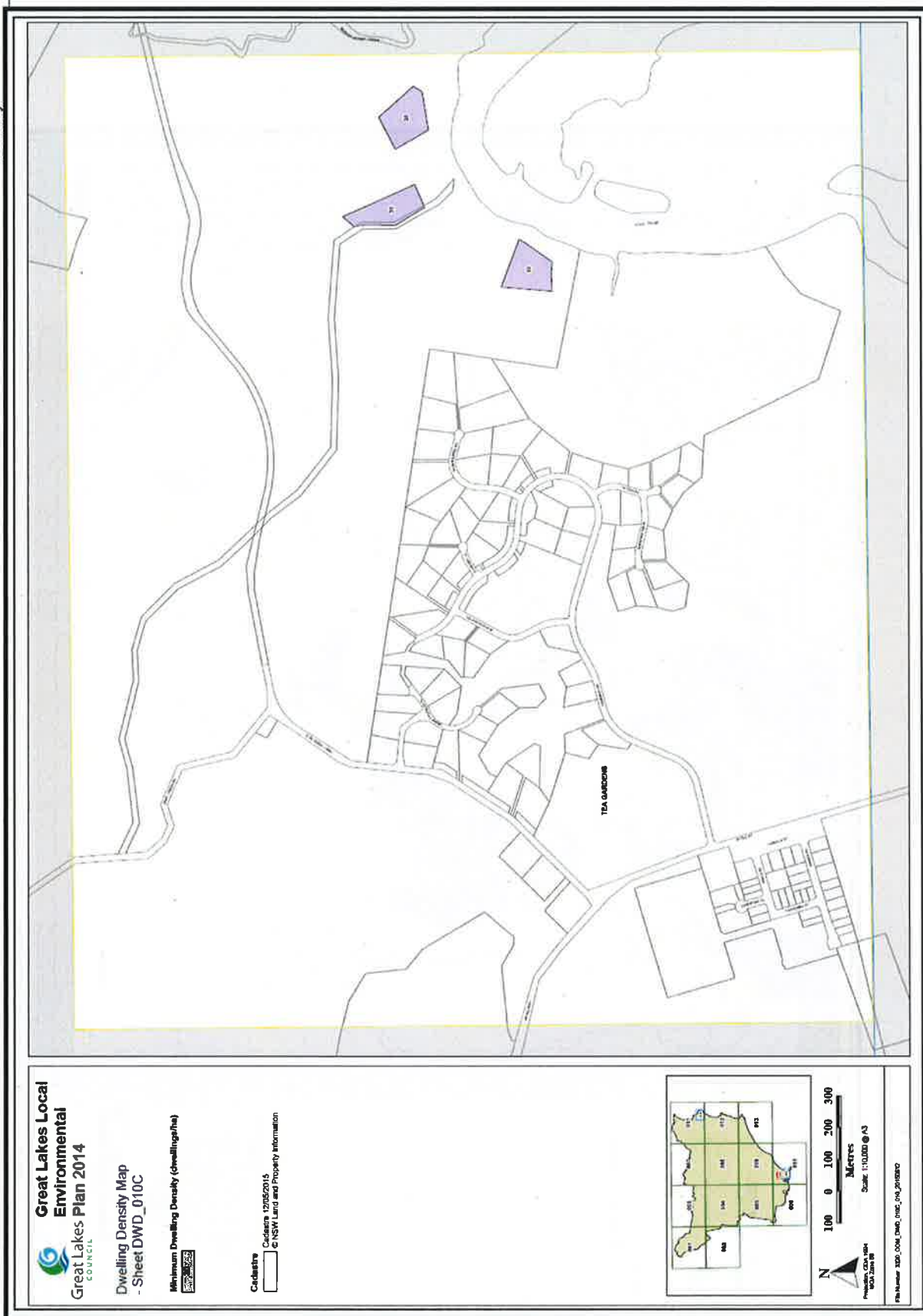
What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation with public authorities has been undertaken prior to requesting the Gateway Determination.

4.0 Mapping



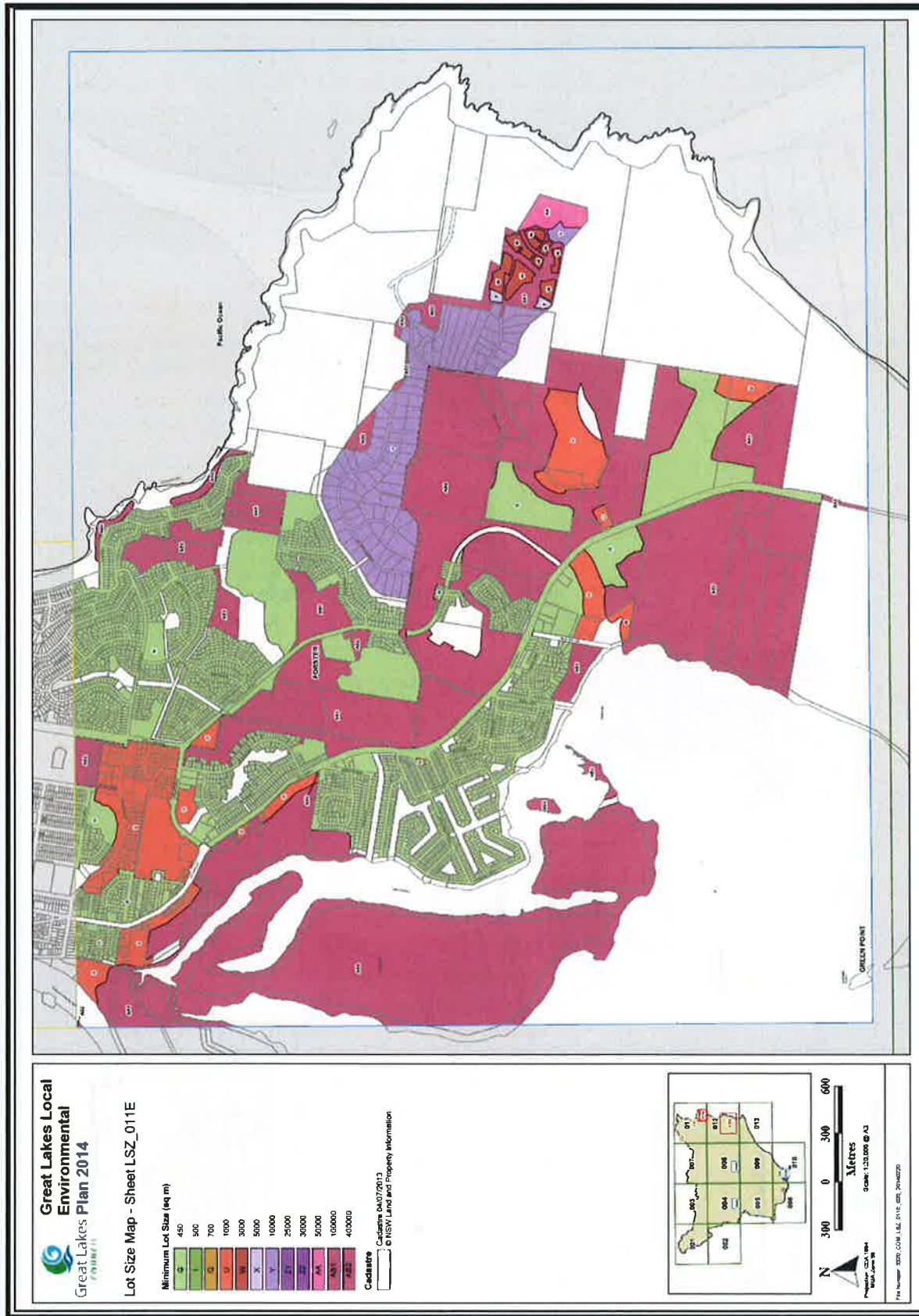
Map 1: Dwelling Density Map (South Forster)



Map 2: Dwelling Density Map (North Shearwater, Tea Gardens)

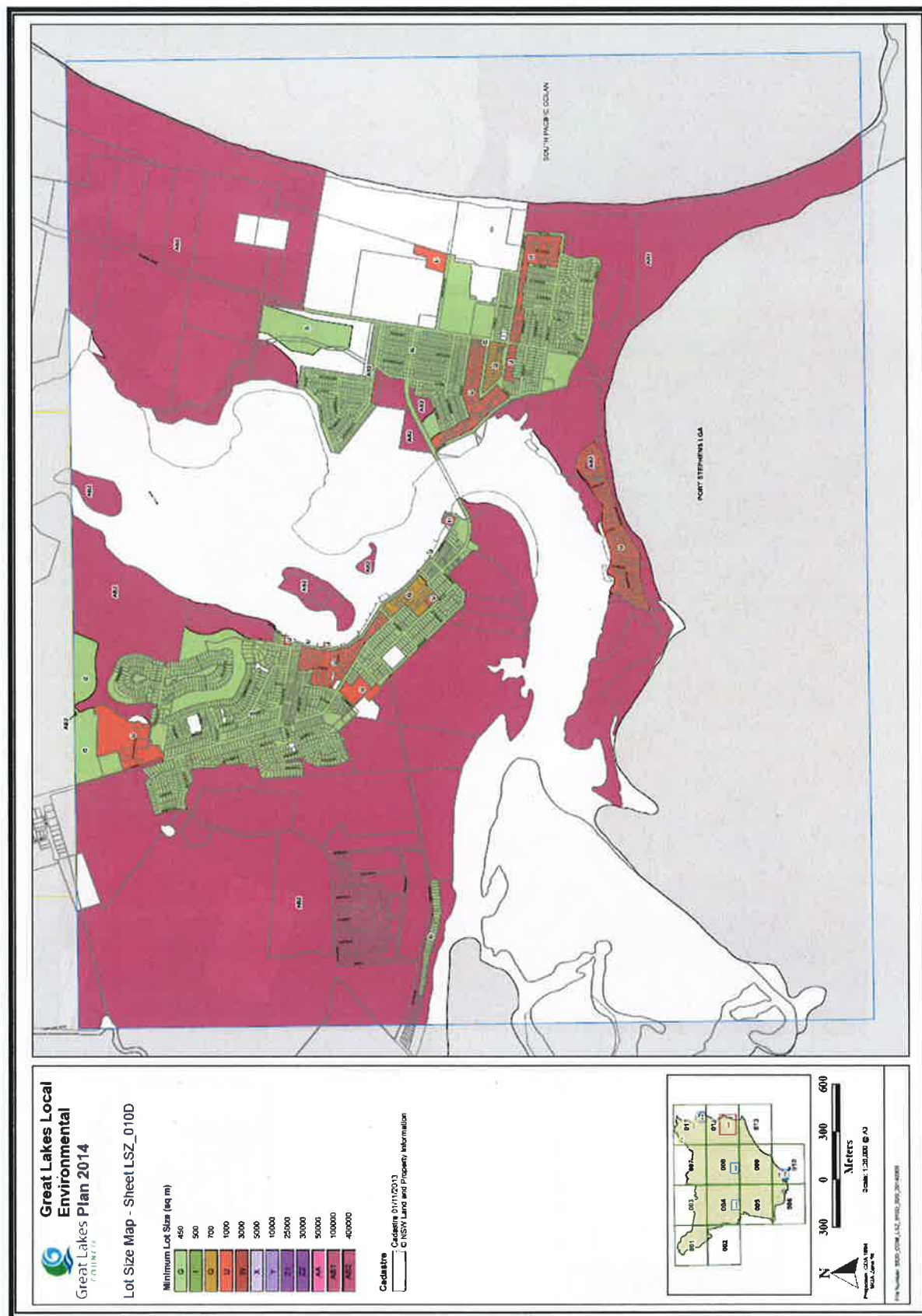


Map 3: Dwelling Density Map (Tea Gardens/Hawks Nest)

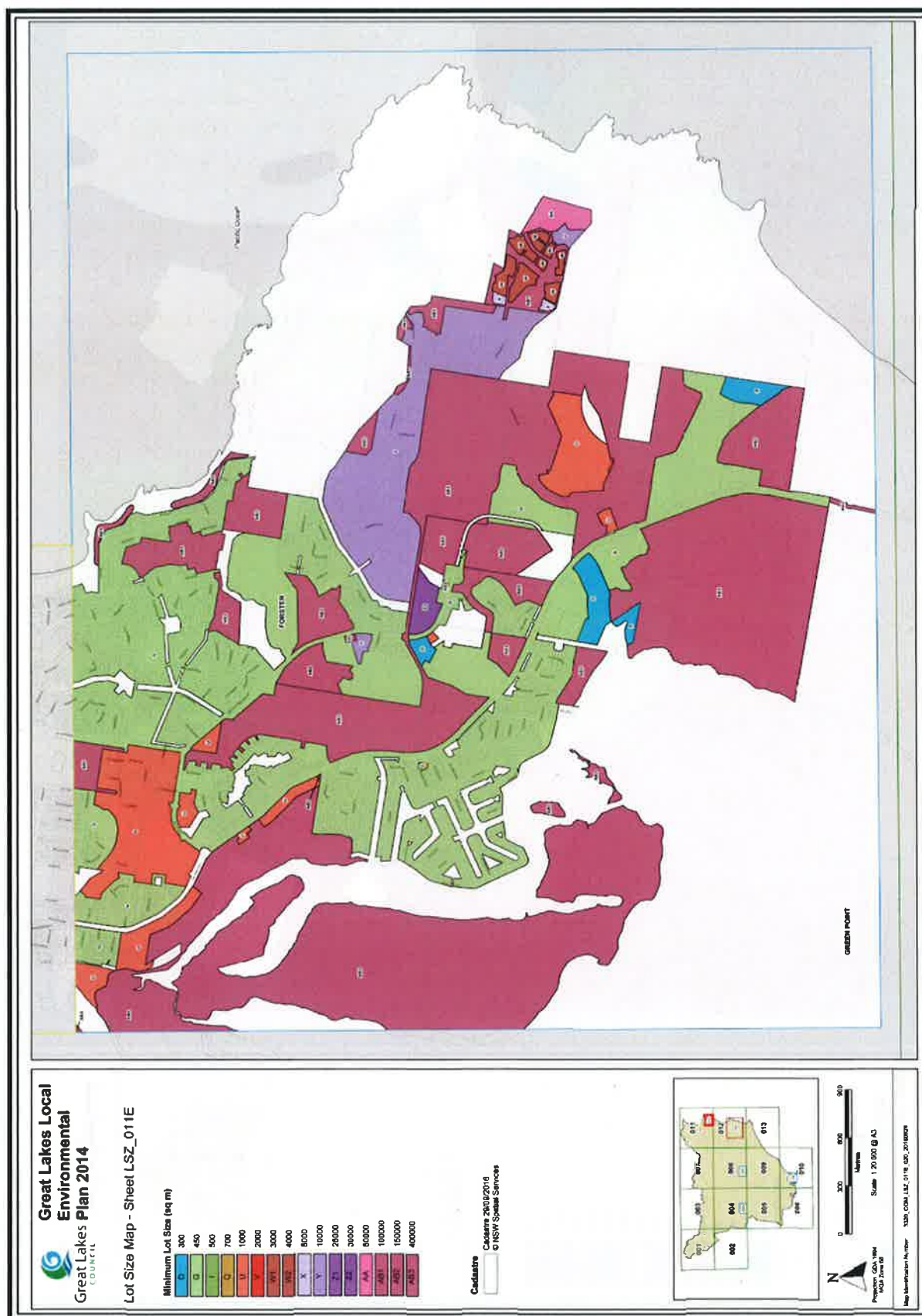


Map 4: Current Minimum Lot Size Map (South Forster)

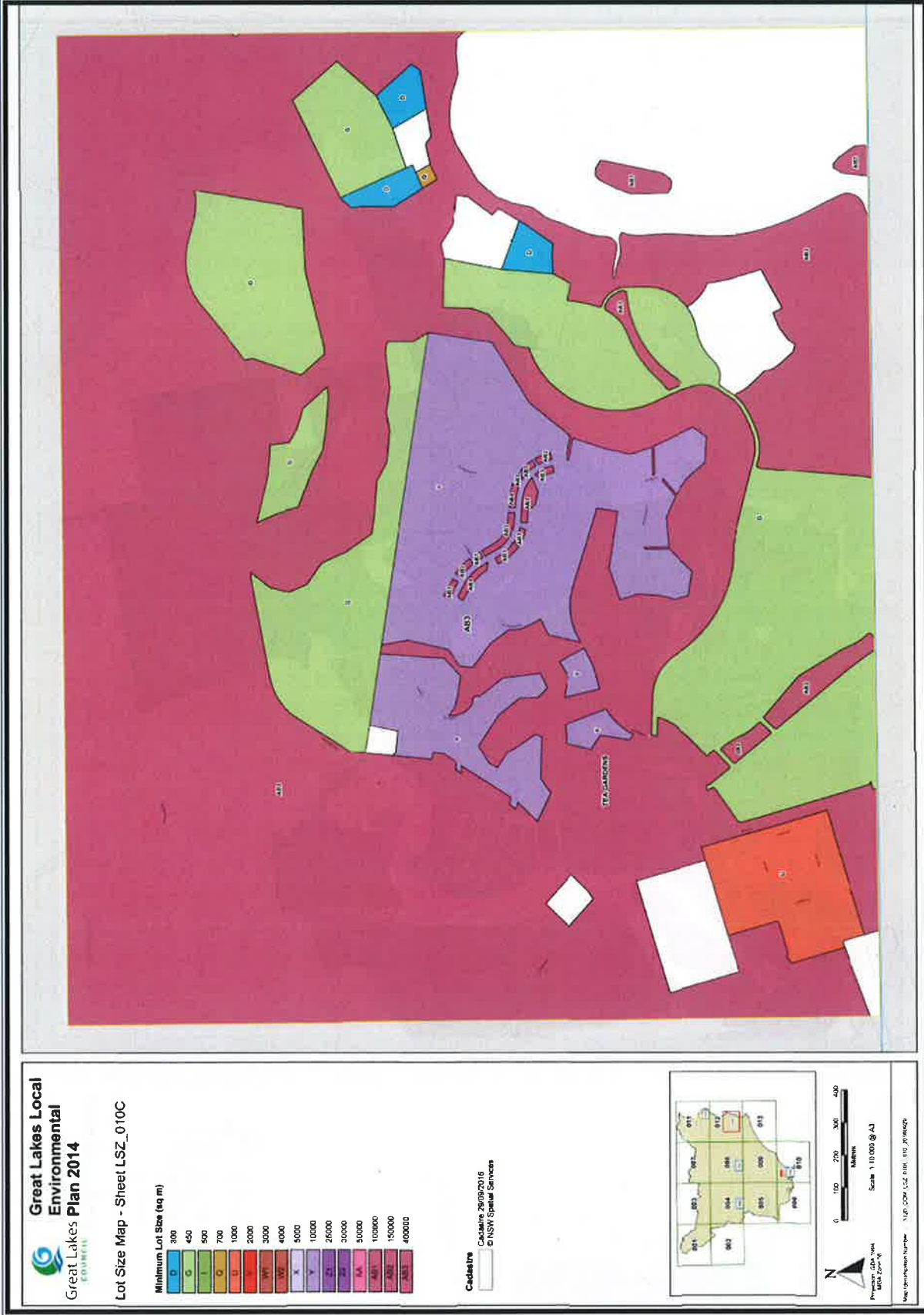


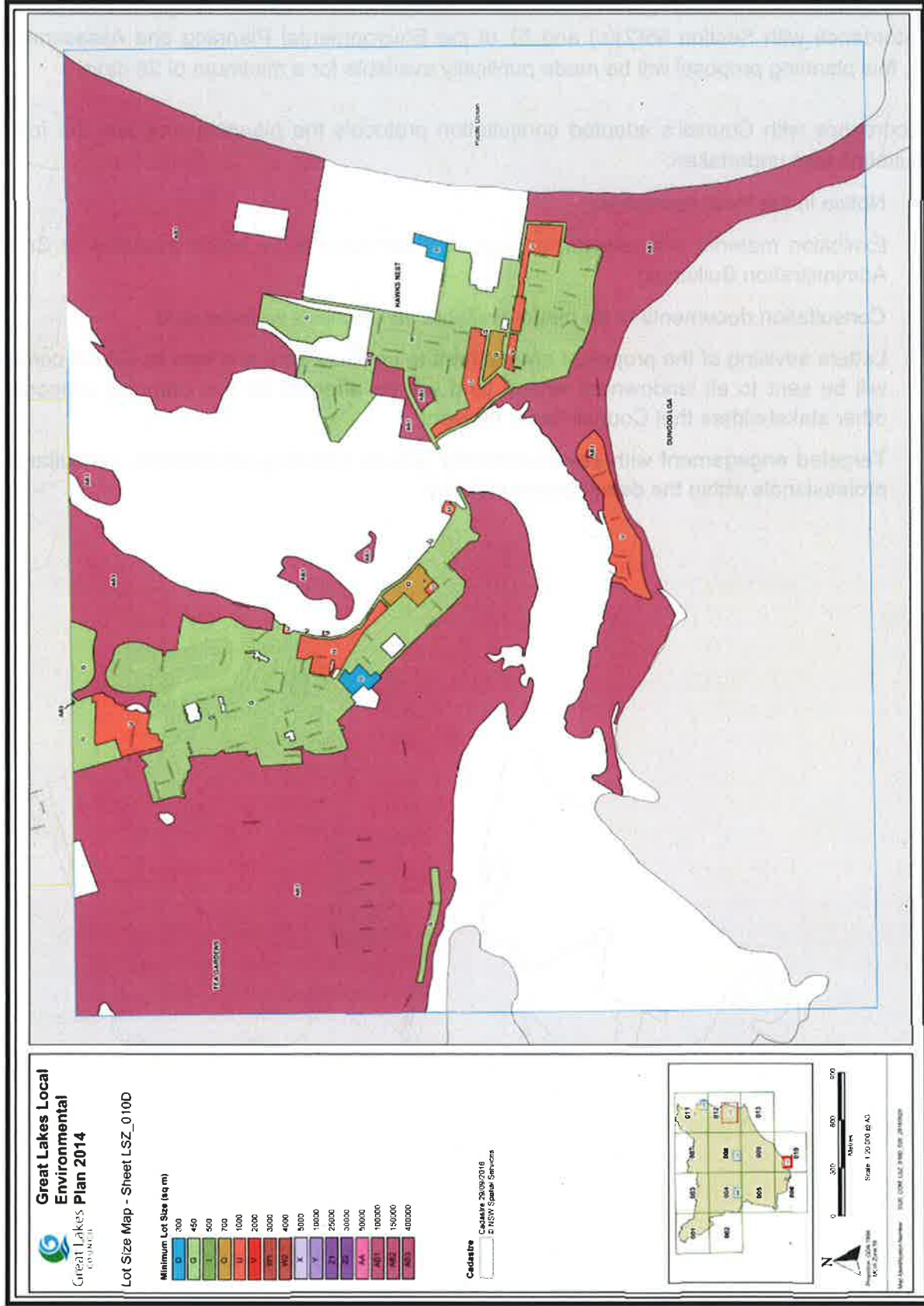


Map 6: Current Minimum Lot Size Map (Tea Gardens/Hawks Nest)



Map 7: Proposed Minimum Lot Size Map (South Forster)





5.0 Community Consultation

In accordance with Section 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979, this planning proposal will be made publically available for a minimum of 28 days.

In accordance with Council's adopted consultation protocols the planning proposal the following consultation was undertaken:

- Notice in the local newspaper;
- Exhibition material and relevant consultant documents to be made available at Council's Administration Buildings;
- Consultation documents to be made available on Council's website; and
- Letters advising of the proposed amendment to Lot Size Map and how to submit comments will be sent to all landowners whose land will be affected by this planning proposal and other stakeholders that Council deem relevant.
- Targeted engagement with key stakeholder groups including landowners, consultants and professionals within the development industry.

6.0 Project Timeframe

<i>Estimated Time Period</i>	<i>Milestone</i>
November 2016	Planning Proposal to NSW Department of Planning & Environment to request Gateway Determination
January-February 2017	Community Consultation
April 2017	Planning Proposal revised and report to Council for determination to adopt the Planning Proposal
May 2017	Planning Proposal submitted to Parliamentary Counsel to request drafting of the LEP.
June 2017	Planning Proposal submitted to NSW Department of Planning & Environment to request gazettal of LEP.

7.0 Conclusion

Small lot housing is considered to play an important role in facilitating the delivery of both dwelling density and housing diversity. Small lot housing is also gaining in popularity with both home owners and developers due to the affordability and economic viability this form of housing offers. Feedback from community consultation in undertaking LEP Amendment No. 5 identified the need for Council to encourage small lot housing as an option for increasing residential density and diversity within the nominated greenfield R3 sites.

Amendment No. 5 established a mechanism to ensure greater housing densities are achieved on R3 Medium Density Residential zoned greenfield sites. In preparing LEP Amendment No. 5 Council identified the need to investigate changes to other planning controls within LEP 2014, such as minimum lot size, so that small lot housing could be achieved on greenfield R3 zoned site.

Council has now resolved to prepare a planning proposal to amend the minimum lot size maps for greenfield R3 zoned sites and incorporate development control provisions for small lot housing into DCP 2014. This planning proposal demonstrates the need for reducing the minimum lot size for R3 zoned greenfield sites and subsequent amendments to the relevant Lot Size Maps of Great Lakes LEP 2014. The proposed amendments will effectively decrease the minimum lot size for the effected land from 1000sqm to 300sqm.

Current provisions within LEP 2014 allow for small lot subdivision within the R3 zone, provided the building design for each lot is considered and approved concurrently with the proposal for subdivision. The proposed changes to the minimum lot size map for the nominated greenfield R3 sites will allow subdivision without the need to provide detailed building design. As such the proposed amendment will promote greater flexibility and development opportunities, particularly in the ability to create small lot housing. In addition the proposed amendments are accompanied by new provisions within DCP 2014 to assist in facilitating and guiding small lot housing developments.

The planning proposal is consistent with all applicable SEPPs and with Section 117 Directions as they apply to the planning proposal.

The proposal seeks to amend LEP 2014 by reducing the minimum lot size for land identified by the LEP Dwelling Density Maps to ensure a minimum development density and housing diversity is achieved within R3 zoned greenfield sites.