

MidCoast Amendment to Great Lakes LEP 2014 - Livable Housing Design Guidelines and flexible zone boundaries

Proposal Title :	MidCoast Amendment to Great Lakes LEP 2014 - Livable Housing Design Guidelines and flexible zone boundaries		
Proposal Summary :	The planning proposal aims to amend Great Lakes Local Environmental Plan 2014 as follows:- i) amend clauses 4.3 and 4.4 to require residential development utilising the bonus height and floor space ratio provisions to be designed in accordance with the Livable Housing Design Guidelines instead of AS 4299–1995 Adaptable housing; ii) amend clause 7.17 so that it applies to all land zoned R3 Medium Density Residential, in addition to the existing R4 High Density Residential, B1 Neighbourhood Centre and B2 Local Centre zones. All residential development in these zones will be required to be designed in accordance with the Livable Housing Design Guidelines instead of AS 4299–1995 Adaptable housing; and iii) introduce a new clause to provide flexibility between zone boundaries of up to 20m, for land identified on the new Flexible Zone Boundary Area Maps. The proposed clause does not apply to land zoned RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or land within the coastal zone, or land proposed to be developed for the purpose of sex services or restricted premises.		
PP Number :	PP_2017_MCOAS_002_00	Dop File No :	16/06055

Proposal Details

Date Planning Proposal Received :	12-Jan-2017	LGA covered :	Mid-Coast
Region :	Hunter	RPA :	Mid-Coast Council
State Electorate :	MYALL LAKES PORT STEPHENS UPPER HUNTER	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :	Various urban zones and new release areas		
Suburb :	Great Lakes	City :	Local Environmental Plan 2014
Land Parcel :		Postcode :	2428

MidCoast Amendment to Great Lakes LEP 2014 - Livable Housing Design Guidelines and flexible zone boundaries

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Hunter Regional Plan 2036	Consistent with Strategy :	Yes
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 : 12 Jan 2017 Legal services advised that proposed drafting changes are likely to be approved by PC if the replacement term "Living Housing Design Guidelines" is qualified by the addition of the year of publication to "fix" this document in a particular time. The Gateway determination has been conditioned to include the date of publication.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : Council's objective to "Encourage all new residential accommodation to be designed and constructed as Livable Housing, to accommodate the social and physical needs of an ageing population" is not completely achieved by this planning proposal.

The Gateway determination has been conditioned to amend the statement of objectives to explain that the requirement to be designed in accordance with the Livable Housing Design Guidelines only applies to development utilising the bonus height and floor space ratio provisions or residential accommodation proposed in the R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre and B2 Local Centre zones.

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

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

Comment : The explanation of provisions clearly outlines the proposed amendments.

Clauses 4.3 and 4.4 will be amended to require residential development utilising the bonus height and floor space ratio provisions to be designed in accordance with the Livable Housing Design Guidelines instead of AS 4299-1995 Adaptable housing;

clause 7.17 will be amended so that it applies to all land zoned R3 Medium Density Residential, in addition to the existing R4 High Density Residential, B1 Neighbourhood Centre and B2 Local Centre zones. All residential development in these zones will be required to be designed in accordance with the Livable Housing Design Guidelines instead of AS 4299-1995 Adaptable housing; and

iii) introduce a new clause to provide flexibility between zone boundaries of up to 20m, for land identified on the new Flexible Zone Boundary Area Maps. The proposed clause does not apply to land zoned RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or land within the coastal zone, or land proposed to be developed for the purpose of sex services or restricted premises.

Council advises that additional precincts may be added to the Flexible Zone Boundary Area Maps after undertaking community consultation and should this occur it will request an amended Gateway determination.

Council should consider whether it should adopt the standard model clause 5.3 Development near zone boundaries for the Great Lakes Local Environmental Plan 2014 instead of just applying it to eight (8) development precincts identified on the Flexible Zone Boundary Area Maps. If Council decides to proceed with identifying only a few future development precincts, the Gateway determination has been conditioned to explain why these sites have been identified compared to other potential release areas.

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

4.4 Planning for Bushfire Protection

* May need the Director General's agreement

5.10 Implementation of Regional Plans

MidCoast Amendment to Great Lakes LEP 2014 - Livable Housing Design Guidelines and flexible zone boundaries

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

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

d) Which SEPPs have the RPA identified? **N/A**

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

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

If No, explain : **The planning proposal is consistent with the relevant SEPPs and Minister's S117 Directions.**

Minister's S117 Directions

3.1 Residential zones

The planning proposal is consistent with this direction by providing more adaptable housing for existing and future housing needs.

4.4 Planning for Bushfire Protection

The proposed flexibility between zone boundary provision may affect bushfire prone land. Council needs to consult with the NSW Rural Fire Service before commencing community consultation to comply and determine consistency with this direction.

5.10 Implementation of Regional Plans

The planning proposal is consistent with the Hunter Regional Plan 2036 by encouraging adaptable housing to accommodate an ageing population and providing flexibility in future subdivision layouts within mapped urban release areas.

The Gateway determination has been conditioned that prior to commencing community consultation, the planning proposal needs to be updated to explain how the it is consistent with the Minister's S117 Direction 5.10 Implementation of Regional Plan.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **If Council decides to proceed with identifying only a few future development precincts, the proposed Flexible Zone Boundary Area Maps will need to be prepared in accordance with the Standard LEP technical requirements.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council suggests a public exhibition period of 28 days. This planning proposal is considered a low impact proposal and it has been conditioned that it only needs to be exhibited for a minimum of 14 days.**

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 :

Comments in relation to Principal LEP : **The Great Lakes LEP 2014 was prepared in accordance with the Standard Instrument.**

Assessment Criteria

Need for planning proposal : **Yes. The preparation of a Planning Proposal is the most appropriate mechanism to require residential accommodation in certain circumstances, to be designed in accordance with the Livable Housing Design Guidelines and to introduce flexible zone boundary provisions.**

Consistency with strategic planning framework : **Council advises that the proposal has arisen from industry feedback regarding the Australian Standard requirements for adaptable housing being too restrictive to justify the development incentive. This is evident in the low take up of adaptable housing development incentives. In addition, the majority of dwellings being built within the region are in residential areas outside of the town centres, where the development incentives are not currently available..**

Hunter Regional Plan 2036

The planning proposal is consistent with the Hunter Regional Plan 2036.

The planning proposal implements Goal 4 Greater Housing Choice and Jobs, Direction 22, which requires Council to investigate opportunities to provide housing and services for weekend visitors, students, seasonal workers, the ageing community and resource industry personnel.

Active Ageing Strategy 2015-2018

The planning proposal is consistent with Council's aspiration to become a Centre of Excellence for Ageing. It has recently developed an Active Ageing Strategy 2015-2018 in accordance with the requirements and strategic priorities of the World Health Organisation (WHO) and Global Network of Age-Friendly Cities and Communities (GNAFFCC).

Council intends to continue to report and implement the recommendations of the Strategy as part of maintaining membership of the GNAFFCC. One area that will be reported on will be the progress and implementation of the WHO GNAFFCC Strategic Priority of Housing which includes the provision of housing choice which is affordable, able to accommodate home modifications, provides residents with the opportunity to age-in-place and is conveniently located.

Environmental social economic impacts :

Environmental Impacts

The planning proposal will not result in any adverse environmental impacts.

Social Impacts

The planning proposal has positive social impacts by encouraging adaptable housing to accommodate the ageing population. Flexible zone boundaries may also assist in delivering housing more efficiently by not requiring minor spot rezoning before development applications can be determined.

Economic Impacts

The planning proposal has positive economic impacts. Assisting people to age in place through adaptable forms of housing is generally more affordable than the cost of relocating to an aged care facility. Flexible zone boundary provisions should help facilitate better subdivision layouts, provision of services and infrastructure in future release area, making development more financially viable and appealing to developers.

MidCoast Amendment to Great Lakes LEP 2014 - Livable Housing Design Guidelines and flexible zone boundaries

In conclusion, the planning proposal should provide a net community benefit.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

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

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**

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 :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal liveable housing & flexible boundaries.pdf	Proposal	Yes
Midcoast Council_06-12-2016_Request for Gateway Determination - Liveable housing and flexible zone boundaries_.pdf	Proposal Covering Letter	Yes
PP Annexure A Australian Standard 4299-1995.pdf	Proposal	Yes
PP Annexure B Livable Housign Design GuidelinesAug2015.pdf	Proposal	Yes
PP Annexure C Active Ageing Strategy (complete).pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
4.4 Planning for Bushfire Protection
5.10 Implementation of Regional Plans

Additional Information : **The planning proposal should proceed subject to the following conditions:**

MidCoast Amendment to Great Lakes LEP 2014 - Livable Housing Design Guidelines and flexible zone boundaries

1. Prior to undertaking community consultation, amend the planning proposal as follows:-
 - a) amend part 1 Objectives and Intended Outcomes to explain that the requirement to be designed in accordance with the Livable Housing Design Guidelines only applies to development utilising the bonus height and floor space ratio provisions or residential accommodation proposed in the R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre and B2 Local Centre zones;
 - b) amend the title of the Livable Housing Design Guidelines to include the date of publication;
 - c) amend Part 2 Explanation of Provisions to explain why the eight (8) development precincts have been identified on the Flexible Zone Boundary Area Maps compared to other potential release areas.
 - c) update appendix E and explain how the planning proposal is consistent with the Minister's S117 Direction 5.10 Implementation of Regional Plans.
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 Proposal be made publicly available for a minimum 14 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).
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Council may also consult any other utility service provider as deemed necessary.
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 9 months from the week following the date of the Gateway determination.
6. Council be given the Minister's plan making delegations under s59 of the Environmental Planning and Assessment Act 1979.

Supporting Reasons :

The Department supports Council's initiative to encourage more adaptable housing and to provide flexible zone boundaries for future development precincts identified on the Flexible Zone Boundary Area Maps . However, Council should consider whether it should adopt the standard model clause 5.3 Development near zone boundaries for the Great Lakes Local Environmental Plan 2014 instead of just applying it to eight (8) development precincts.

Council's request to be issued with the Minister's plan making delegations is supported.

A 9 month time frame is recommended because there could be a slight delaying in preparing the new LEP maps.

Signature:



Printed Name:

TRENT WAINWRIGHT

Date:

24/1/17

