



Meeting Date: Thursday 19 April 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 8.00pm

Council Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. Council Meetings will also be webcast.

NOTICE OF BUSINESS

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MAYORAL MINUTE

MM8/18 URGENT RESPONSE TO THE MEDIUM DENSITY HOUSING CODE CHANGES – Mayor, Councillor Jerome Laxale

File Number: CLM/18/1/1/8 - BP18/414

On Friday, 6 April 2018 a Media Release from the Member for Lane Cove, The Minister for Planning and Housing, The Hon. Anthony Roberts MP, advised that the State Government has imposed amendments to the State Environment Planning Policy (Exempt and Complying Development Codes). Staff, upon investigating the details of the changes, discovered that the Minister will also be making changes to Ryde's Local Environment Plans to introduce Manor Houses as a permissible form of development in the R2 Low Density Residential Zone.

A Manor House is essentially a block of flats, limited to 2 storeys, with a maximum of 4 dwellings.

Despite the detailed objections of a number of Councils including the City of Ryde, the Minister's amendments will allow Medium Density developments such as Dual Occupancy developments, Terrace Housing, and Manor Houses (two storey residential flat buildings) in R2 Low Density Residential Zone.

The amendments come into effect on 6 July 2018.

A letter has been forwarded to the Deputy Secretary Planning Services / Department of Planning and Environment requesting access to the reports and documentation used by the Minister to include City of Ryde in the policy, the assessment of our submission seeking exemption (December 2016) and questioning the adequacy of consultation with Council and our community. Minister Roberts whilst also being Planning Minister, is also the Member for Lane Cove. Lane Cove Council, who lodged a very similar submission to City of Ryde, appears to have been exempted from Manor Houses being included in their R2 zones from 6 July 2018.

History

The Minister's decision to implement these changes with no explanation as to how the community's concerns have been assessed and limited community consultation relative to the impact of the changes, undermines decades of consultation and strategic land use planning in the City of Ryde. In close consultation with the community, the City of Ryde has designed controls to ensure the character of our local streets is protected.

MM8/18 (continued)**Chronology of Planning Controls**

- **LEP 11 dated 12 August 1983**
Amended the Ryde Planning Scheme Ordinance to permit Villa Homes in the then 2(a) residential zone (now known as R2 Low Density Residential zone):
 - Minimum lot area 1000sqm
 - Minimum width 20m.

- **LEP 72 dated 17 March 1995**
In response to State Environmental Planning Policy No.25 – Residential Allotment Sizes and Dual Occupancy Subdivision and State Environmental Planning Policy No.12 Dual Occupancy. The LEP permitted duplex buildings provided:
 - Minimum lot area 580sqm.

- **DCP 11 – Urban Housing (Villa homes) adopted 17 March 1995**
Introduced ways to control the concentration/dispersal of villa homes to ensure
 - Street block density control
 - Linear separation.

- **Residential Development Strategy: Improving Housing Choices and Housing Opportunities - 1996**
The Strategy delivered considerable diversification of housing choice, encouraging the controlled expansion and permissibility of villa homes.
 - Various amendments made to both the RPSO and DCP including removing from the DCP the street block density control for villa homes.

- **Local Planning Study - May 2010**
Comprising of several separate studies including the City of Ryde Housing Strategy, The Local Planning Study was undertaken to inform what would become Ryde LEP 2014 and provided recommendations including:
 - Introduction of a control to require a minimum street frontage of 20 metres for duplex developments – to improve the design of these developments.
 - Allow the Strata subdivision of duplex buildings on lots of a minimum size of 580m² to increase residential housing choice.

- **Ryde LEP 2014 gazetted in September 2014 and subsequently amended**
Includes the following requirements for dual occupancy and multi dwelling housing:
 - 20m road frontage requirement for dual occupancy (attached) development.
 - Both Strata and Torrens titling of dual occupancy development.

MM8/18 (continued)

- **Ryde DCP 2014 effective September 2014**
Removed linear separation requirements for both dual occupancy and multi dwelling housing.

In addition to the above, the City of Ryde has recently had two State Government Priority Precincts imposed in the Ryde Local Government Area.

Key impact of changes:

Ryde LEP 2014, supported by Ryde DCP 2014, permits multi dwelling housing in the form of villa-style development and dual occupancy (attached) developments subject to Council approval. The amendments to the SEPP allow these developments to occur as Complying Development, which could be approved by any accredited certifier.

Furthermore, the amendments to the SEPP also introduce additional forms of medium density development not previously permitted:

- Manor house – a building containing 3 or 4 dwellings on one lot where each dwelling is attached to another by a common wall and or floor (maximum 2 storeys)
- Multi dwelling housing (terraces) – 3 or more dwellings (attached or detached) on one lot of land where each dwelling has a frontage to a public road and no other dwellings are above or below
- Torrens title subdivision with the construction of two or more dwellings.
Development standards are proposed and registration will occur only when the development is nearing completion.

The SEPP also reduces the efficacy of Council's lot and frontage controls, providing reduced minimum frontages and in some instances, smaller minimum lot sizes than Council previously considered appropriate for the controlled delivery of medium density housing. The effect of this is to greatly increase the number of sites potentially available for these types of development.

MM8/18 (continued)
Table 1 – Potential Development Sites

<i>Note: all figures are rounded approximations only</i>	Ryde LEP 2014 – R2 Zone	Codes SEPP – R2 Zone
<i>Potential number of allotments capable of dual occupancy development</i>	4,082	14,465
<i>Potential number of allotments capable of multi dwelling housing developments</i>	1,119 (also capable of being developed for dual occupancy)	1,411 (now includes terrace housing and these sites are also capable of being developed for dual occupancy and manor houses)
<i>Potential number of allotments capable manor house developments</i>	0 - Not permitted	10,383 (also capable of being developed for dual occupancy)
<i>Total number of sites capable of medium density housing development</i>	4,082	14,465

The figures provided above exclude any R2 land that has been recently developed and strata subdivided. The figures are based on a desktop analysis of lot sizes and frontages of sites in the R2 zone. It is noted that this provides an estimate only and exact numbers may be slightly higher or lower depending on individual site characteristics and the application of the full suite of relevant controls; to undertake a site by site analysis of lots in the R2 zone against the full suite of controls is not feasible. ATTACHED are maps illustrating the sites potentially capable of satisfying the multi dwelling housing and attached dual occupancy requirements of Ryde LEP 2014 (ie. “Before” the SEPP applies) as compared to the sites potentially capable of satisfying the medium density housing requirements of the amended SEPP (ie. “After” the SEPP applies).

Table 1 indicates an increase in the number of allotments capable of being developed for medium density housing in the R2 zone from approximately 4,082 to 14,465 sites. This represents approximately 60% of all land zoned R2 in the City of Ryde (the total number of all sites zoned R2 is 23,255). These allotments are spread across the LGA and are not strategically located to accommodate medium density housing.

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Even if this land was only developed for dual occupancies (regardless of its capability to be developed for Manor homes or Multi dwelling terrace housing) this represents an increase in potential population of approximately 32,000.

Based on an average of 2 people per dwelling, if the 10,383 Manor Home allotments were developed, that has a potential to increase dwellings by 41,532 and 83,064 people in a very short period.

The below provides a comparison table of controls in Ryde LEP 2014 and DCP 2014 relating to the permitted forms of medium density residential development under those instruments and those to be implemented under the SEPP amendment.

Table 2 – Development Standards

Development Standard	Ryde LEP 2014/Ryde DCP 2014	Codes SEPP
Dual Occupancy	<i>Attached only</i> <i>Min area – 580sqm</i> <i>Min road frontage – 20m</i>	<i>May be detached or may be one above another</i> <i>Min area – 580sqm</i> <i>Min frontage – 12m at the building line or 15m at the building where one dwelling is above another.</i>
Multi dwelling housing (terraces)	Not permitted <i>Controls for Multi-dwelling housing - Villas</i> <i>Min area – 900sqm</i> <i>Min road frontage – 20m</i>	<i>Min area – 900sqm</i> <i>Min frontage – 18m at the building line</i>
Manor houses (three or four dwellings on one lot strata subdivision permitted)	Not permitted	<i>Min area – 600sqm</i> <i>Min width – 15m at the building line</i>

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Ryde LEP 2014 and DCP 2014 controls for both dual occupancy (attached) and multi dwelling housing such as lot size, density, site coverage, and FSR created a balanced relationship between the site area, dwelling size, and residential population living on the site. The controls ensured that the character of an area would be maintained by promoting a balance between built and unbuilt areas to allow for sufficient landscaping, retention of significant vegetation and trees, pervious areas, and internal amenity to the development. These controls had been developed and updated through detailed consultation with our community and iterative evolution of controls to address emergent issues and improve design and amenity standards since 1983. They also required detailed assessment by Council Officers through the development application process, to ensure appropriate community notification of proposed developments, and to allow careful design to minimise any impacts on amenity.

By contrast, the SEPP amendments will not result in a balanced mix of housing typologies and will transform the Low Density R2 zone into a medium density environment, leaving the City of Ryde with no distinguishable low density neighbourhoods.

In addition, by allowing these developments to occur under the Complying Development system, appropriate notification requirements and oversight of design and amenity impact has also been removed. This will result in increased enforcement and regulatory costs to Council.

Conclusion

Council should seek to maintain status quo in our low density zones and should not seek a total exclusion from medium density. If Council were to do so the impact of such a down zoning would more than likely be detrimental on land values and contrary to the expectations of people who have resided in Ryde LGA with limited medium density supported by appropriate local development controls, since the 1980's.

We should fight to have our current local planning controls prevail over this State Government Policy which unfairly targets City of Ryde.

MM8/18 (continued)**RECOMMENDATION:**

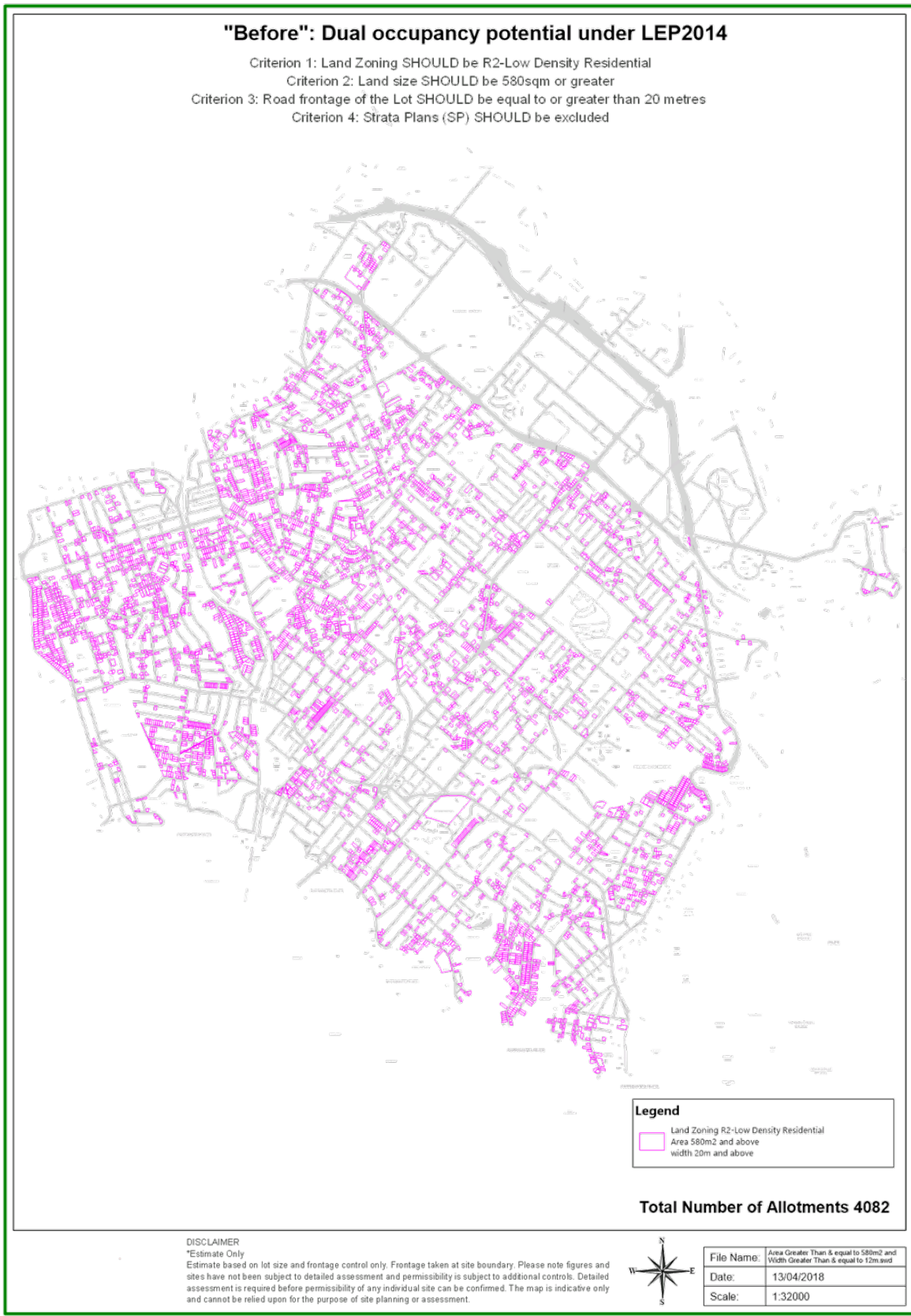
- (a) That the General Manager seek an urgent meeting with The Hon. Anthony Roberts (Minister for Planning) and The Hon. Victor Dominello (Minister for Finance, Services and Property) to be attended by the Mayor and Acting Director City Planning and Development to seek an exemption from the Codes SEPP amendments and to request that our local planning controls prevail over the State Policy.
- (b) That concurrently the General Manager be authorised to investigate and take all steps available in regard to planning pathways and legal action to prevent this legislation taking effect in City of Ryde on 6 July 2018.
- (c) That Council immediately take action to alert our community to this legislation and its potential impacts on our City to be coordinated by the Director Customer and Community Services and delegate authority to the General Manager to allocate funds as required, from General Revenue or other funding sources.
- (d) That Councillors are updated on developments through the Councillor Information Bulletin and Confidential Legal updates.

ATTACHMENTS

- 1 City Wide SEPP Map – ‘Before’ Dual Occupancy potential 4,082 lots
- 2 City Wide SEPP Map – ‘After’ Dual Occupancy potential 14,464 lots
- 3 City Wide SEPP Map – ‘Before’ MANOR Homes (three or four dwellings on one lot of land)
- 4 City Wide SEPP Map – ‘After’ MANOR Homes (three or four dwellings on one lot of land) potential 10,383 lots
- 5 City Wide SEPP Map – ‘Before’ TERRACE Housing
- 6 City Wide SEPP Map – ‘After’ TERRACE Housing potential 1,411 lots
- 7 Neighbourhood Impact Maps – ‘Before’ potential Dual Occupancy and Villa sites currently & ‘After’ potential Dual Occupancy and Manor house sites – Elliott Street, East Ryde
- 8 Neighbourhood Impact Maps – ‘Before’ potential Dual Occupancy and Villa sites currently & ‘After’ potential Dual Occupancy and Manor house sites – Colston Street, Ryde
- 9 Neighbourhood Impact Maps – ‘Before’ potential Dual Occupancy and Villa sites currently & ‘After’ potential Dual Occupancy and Manor house sites – Campbell Street, Eastwood

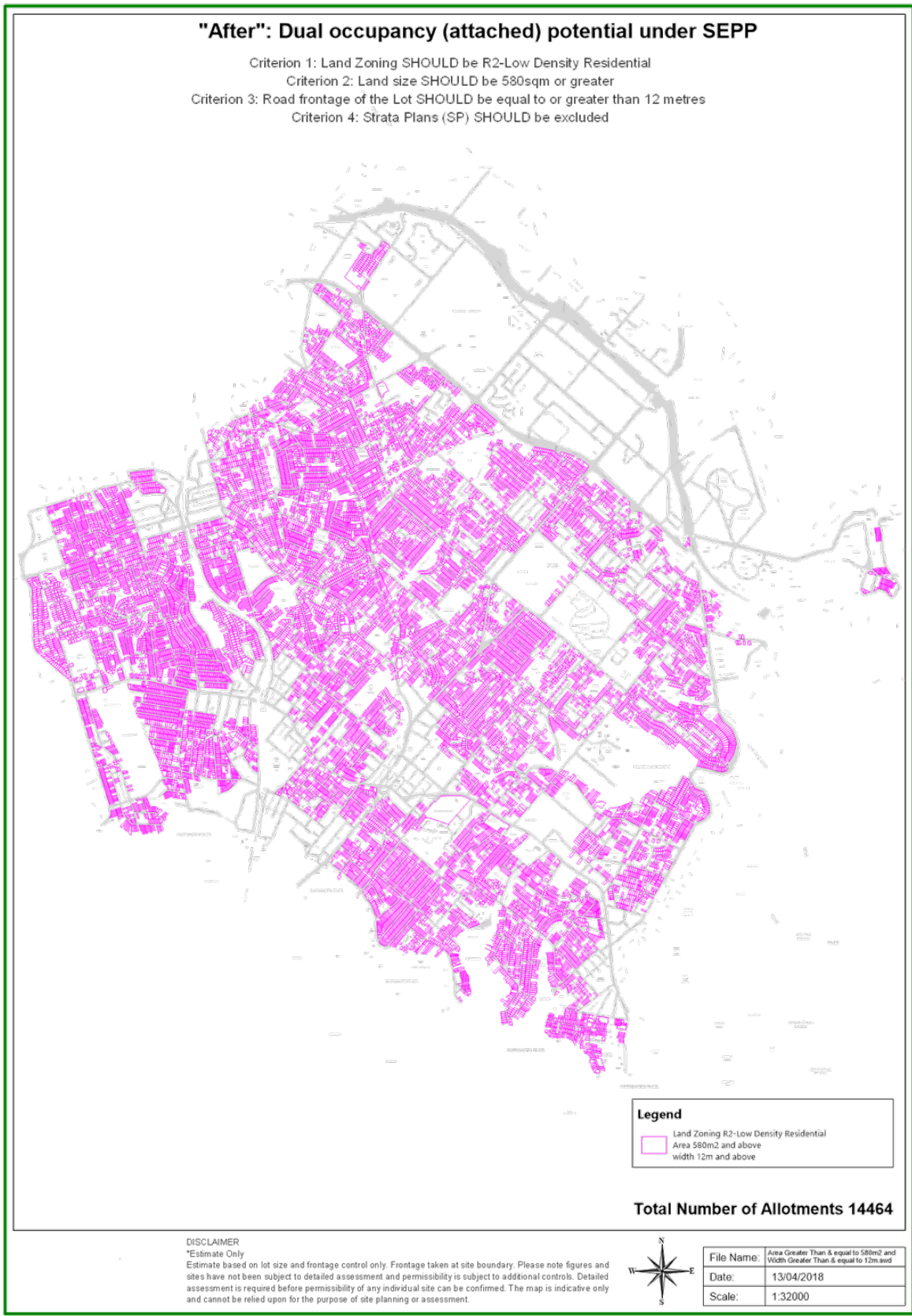
MM8/18 (continued)

ATTACHMENT 1



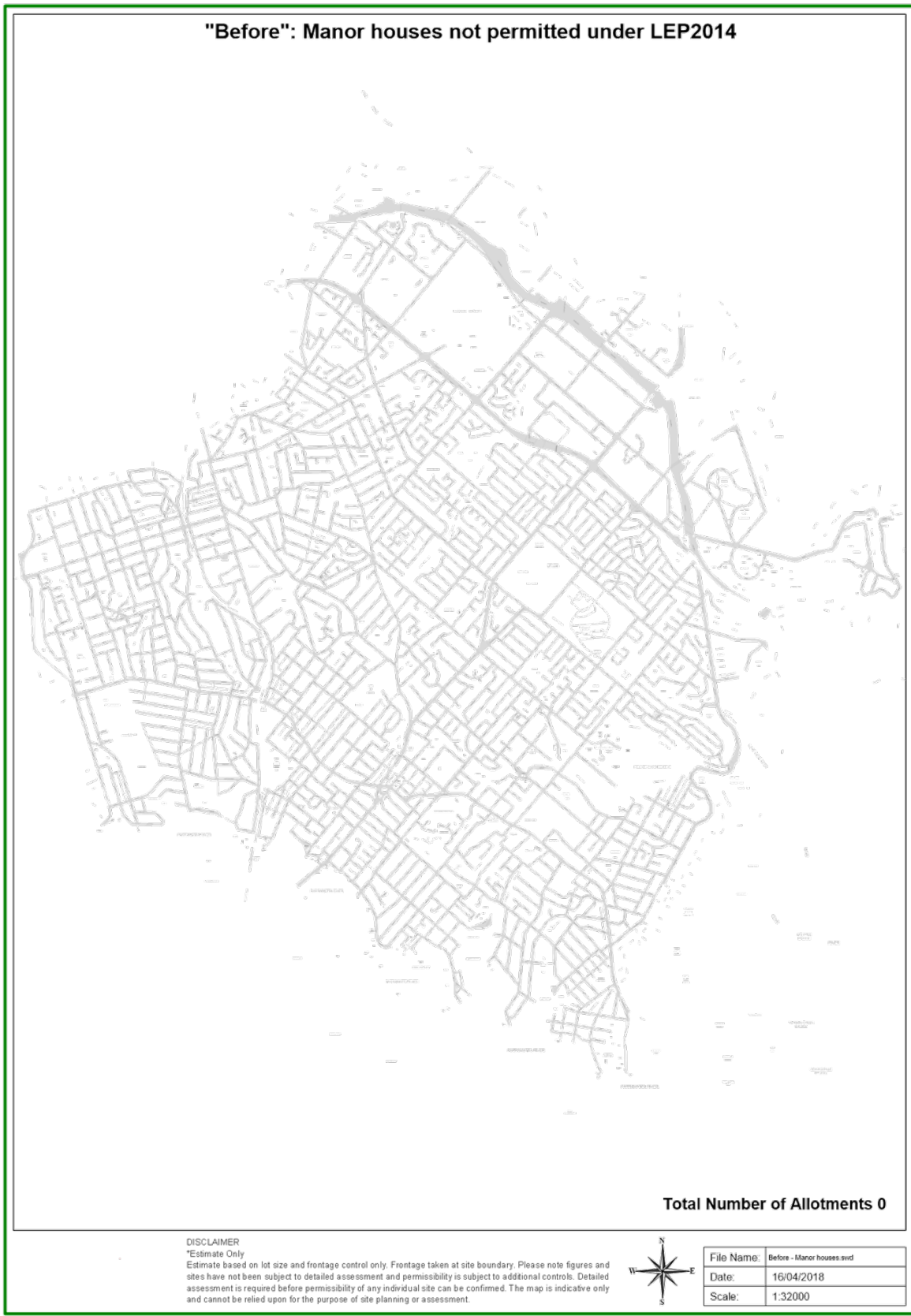
MM8/18 (continued)

ATTACHMENT 2



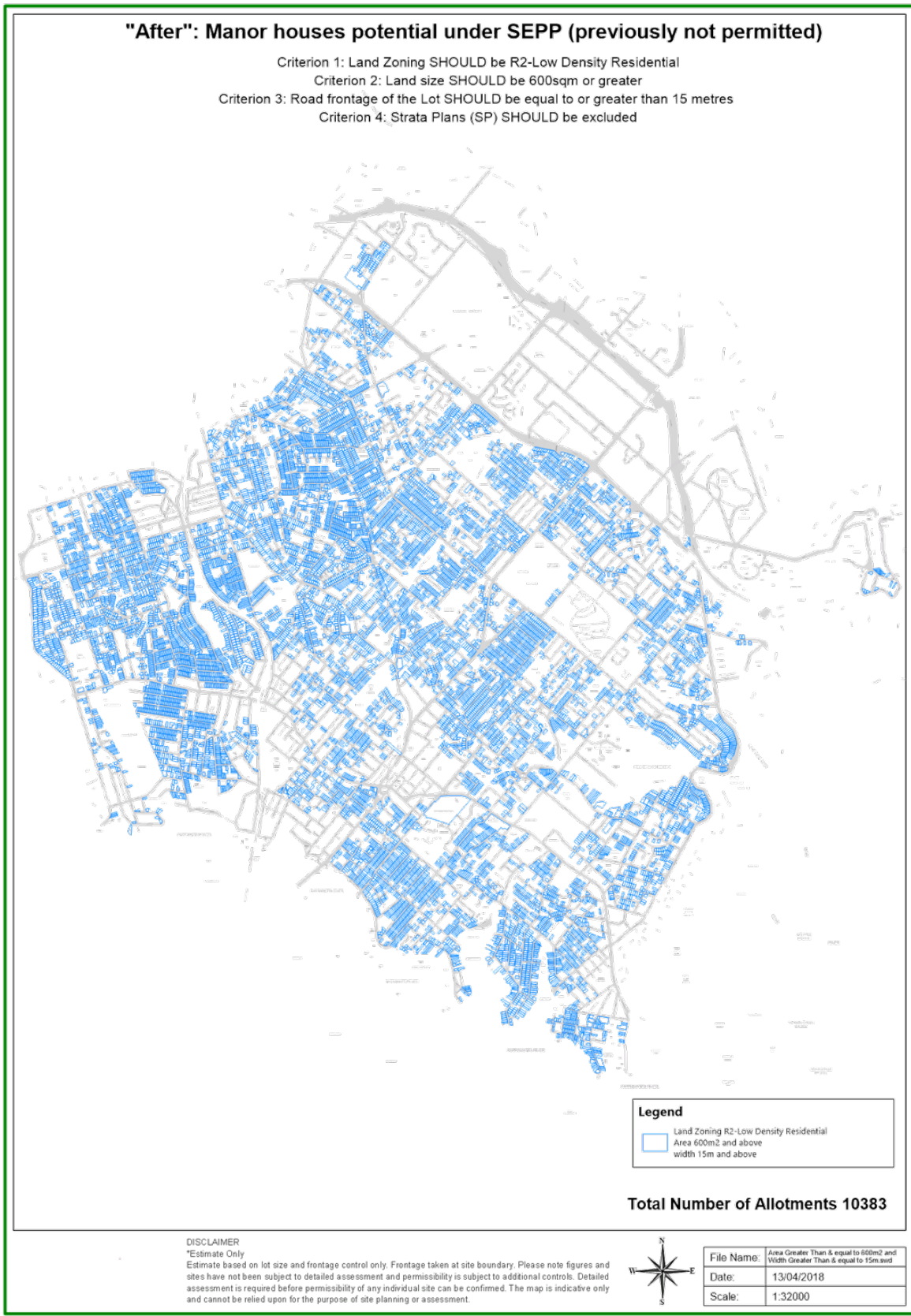
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ATTACHMENT 3



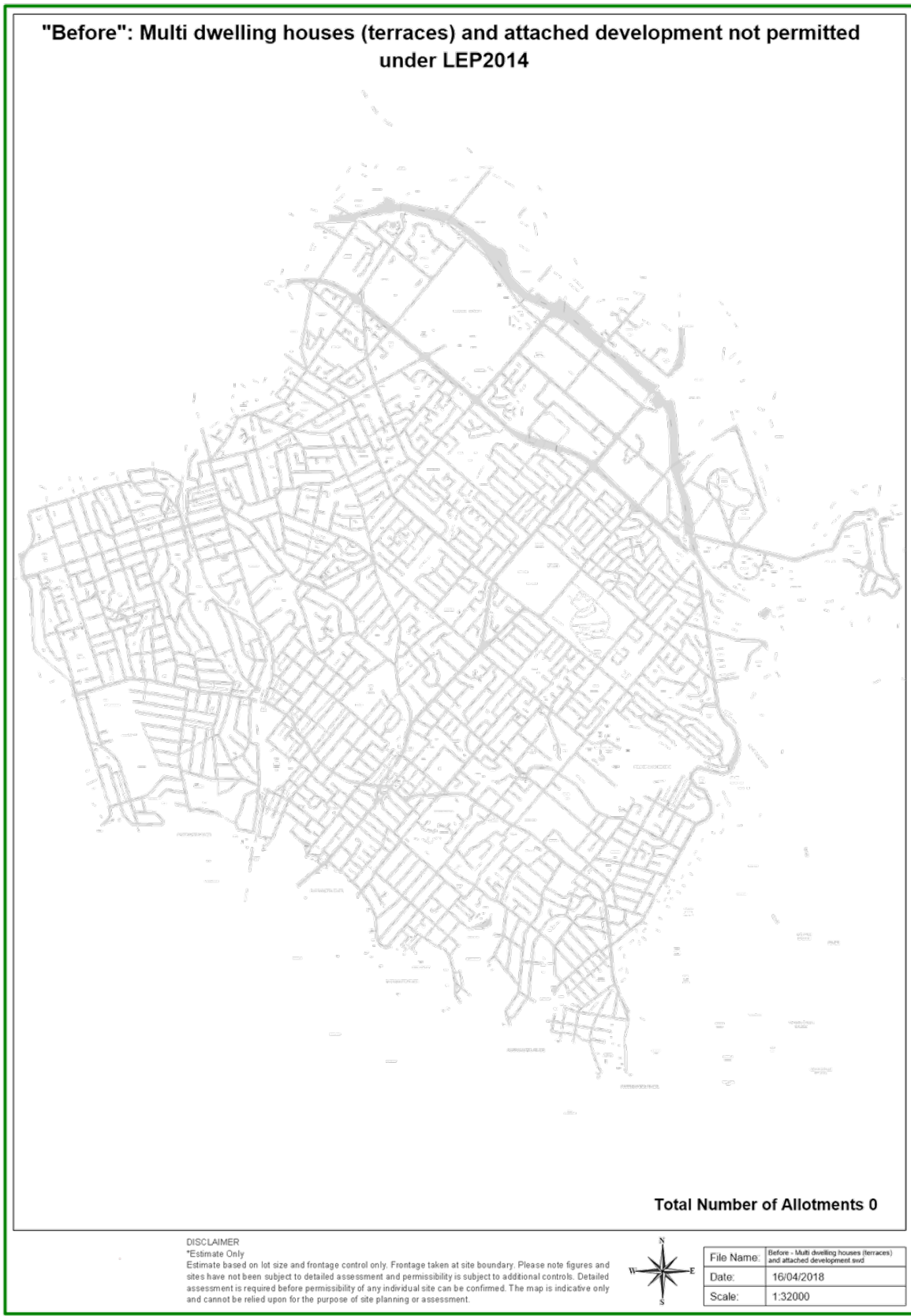
MM8/18 (continued)

ATTACHMENT 4



MM8/18 (continued)

ATTACHMENT 5



MM8/18 (continued)


ATTACHMENT 6

"After": Multi dwelling houses (terraces) and attached development potential under SEPP (previously not permitted)

- Criterion 1: Land Zoning SHOULD be R2-Low Density Residential
- Criterion 2: Land size SHOULD be 900sqm or greater
- Criterion 3: Road frontage of the Lot SHOULD be equal to or greater than 18 metres
- Criterion 4: Strata Plans (SP) SHOULD be excluded



Legend

 Land Zoning R2-Low Density Residential
Area 900m² and above
width 18m and above

Total Number of Allotments 1411

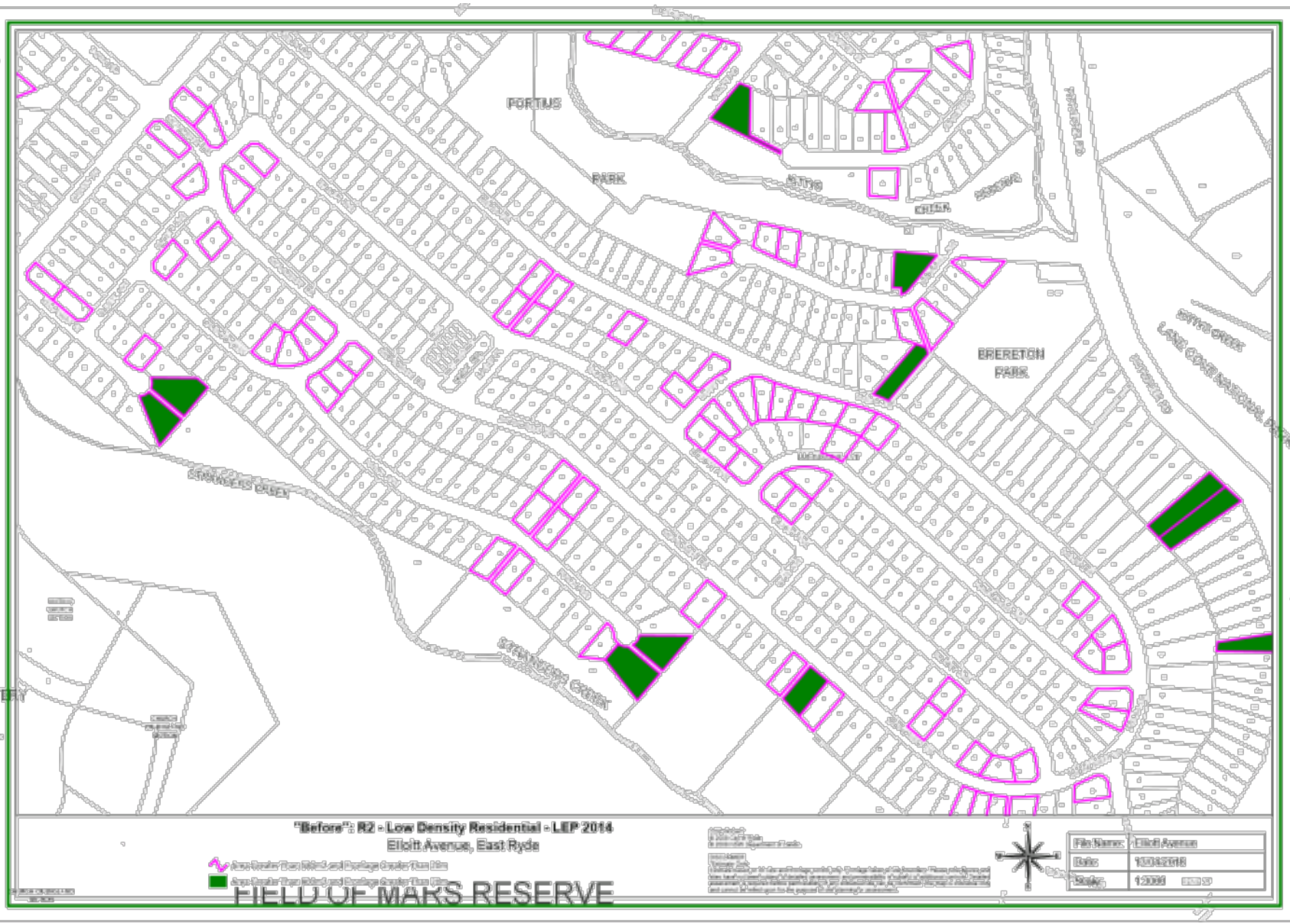
DISCLAIMER
*Estimate Only
Estimate based on lot size and frontage control only. Frontage taken at site boundary. Please note figures and sites have not been subject to detailed assessment and permissibility is subject to additional controls. Detailed assessment is required before permissibility of any individual site can be confirmed. The map is indicative only and cannot be relied upon for the purpose of site planning or assessment.



File Name:	Area Greater Than & equal to 580m ² and Width Greater Than & equal to 12m.wxd
Date:	13/04/2018
Scale:	1:32000

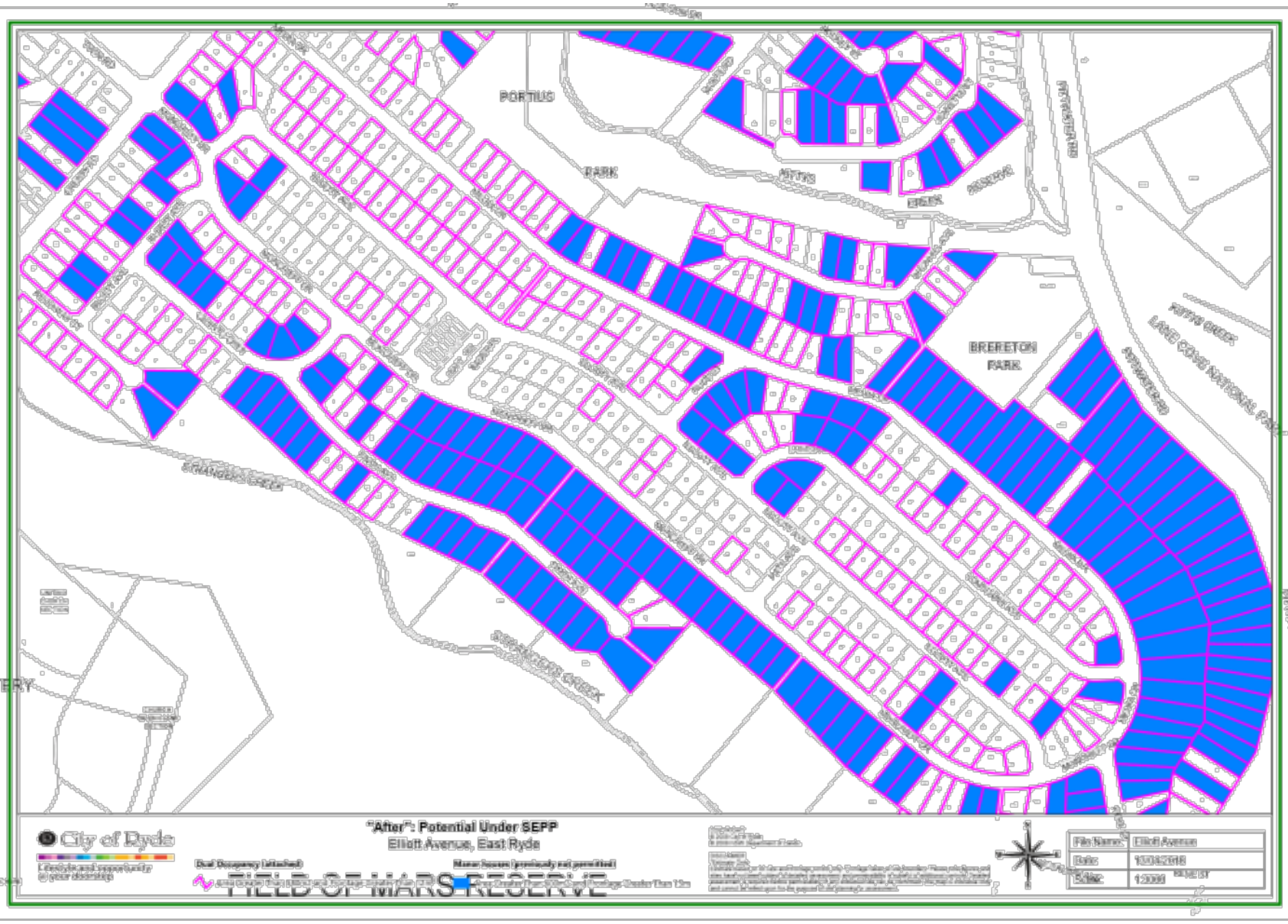
MM8/18 (continued)

ATTACHMENT 7



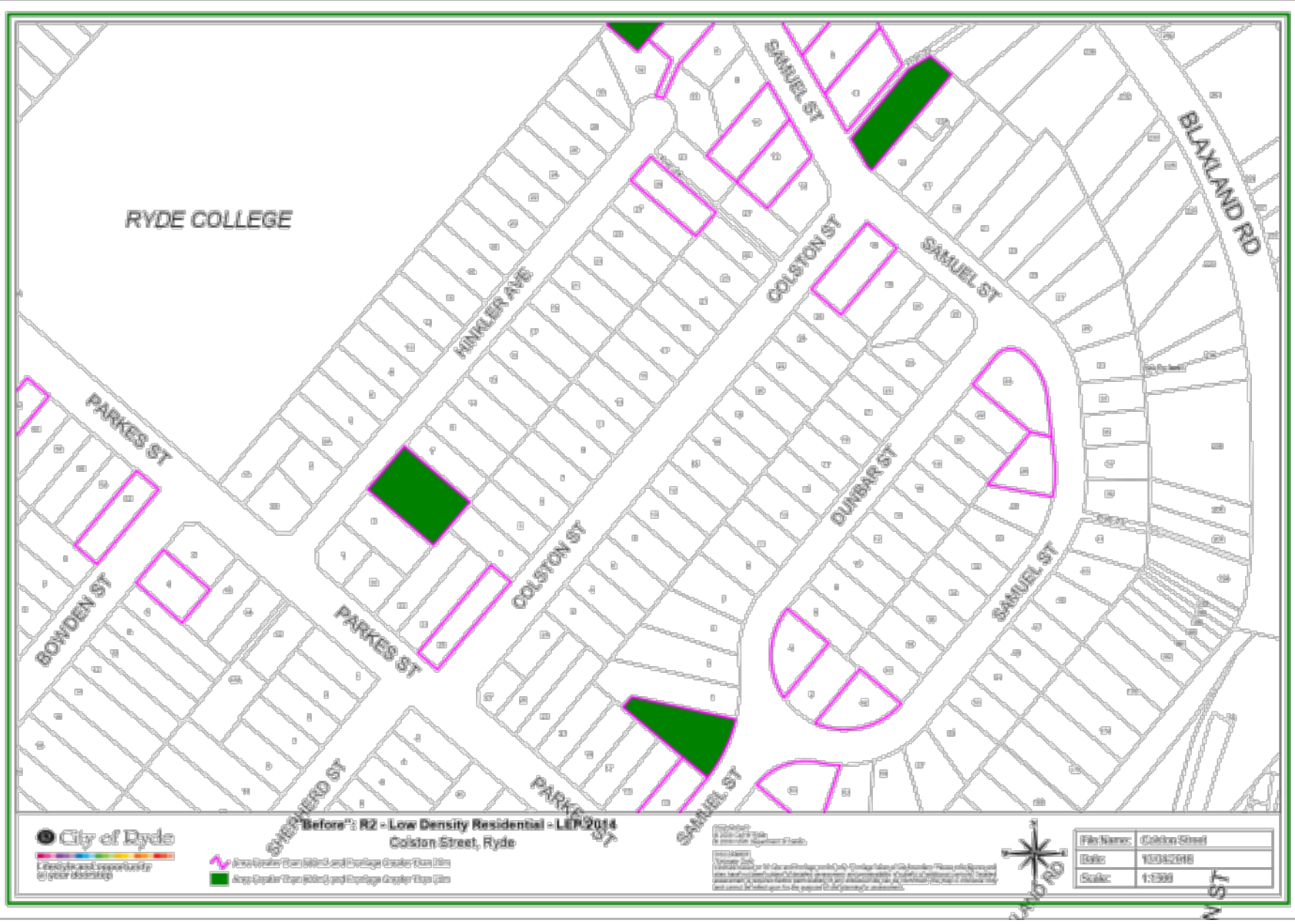
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ATTACHMENT 7



MM8/18 (continued)

ATTACHMENT 8



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ATTACHMENT 8



MM8/18 (continued)

ATTACHMENT 9



MM8/18 (continued)

ATTACHMENT 9

