

6.0 Zones and Development Standards

The Council's current RLEP contains a range of residential zones, development standards which control the bulk and scale of residential development and clauses which address specific issues with respect to residential lands. These are discussed below along with suggestions for revising, updating or replacing these using the Standard Instrument's clauses where appropriate.

6.1 Residential Zones

6.1.1 RLEP Zones

The RLEP includes four residential zones, as listed below (and detailed in Appendix B).

- Residential 2A (low density)
- Residential 2B (low-medium density)
- Residential 2C (medium density); and
- Residential 2D (mixed density master planned sites)

As highlighted in Chapter 2, the Residential 2A zone covers the greatest area comprising 62% of the total residential land area in Randwick City including a significant proportion of the southern suburbs.

The Residential 2B and 2C zones primarily cover land around the town centres and in the older parts of the LGA around Randwick, Coogee, Kensington and Kingsford. Land zoned Residential 2B and 2C comprises around 34% of all residential land combined.

The smallest proportion of residential land zoned, Residential 2D, covers approximately 4% of the total residential land area. This zone applies to large master planned sites in excess of 10,000m².

6.1.2 Standard Instrument Residential Zones

The Standard Instrument introduces a suite of residential zones. For each zone it identifies certain mandatory objectives and mandatory land uses that are permitted with consent or permitted without consent. It also includes a range of land uses which are prohibited in each zone.

Councils are able to select a range of residential zones from the Standard Instrument that are appropriate to their individual LGA and include additional objectives and land uses to respond to local needs.

The Standard Instrument objectives and permissible land uses for the four relevant residential zones are summarised as follows. (Appendix B contains the full description of the Standard Instrument zones and compulsory objectives and permitted and prohibited land uses).

- **Zone R1 General Residential** provides for a range of housing types. It also supports non-residential uses that provide facilities or services, including neighbourhood shops to meet the day to day needs of residents
- **Zone R2 Low Density Residential** as the name suggests is intended to provide for low density residential and non residential uses which support the day to day needs of residents
- **Zone R3 Medium Density Residential** provides for medium density housing such as town houses, villas and residential flat buildings. It also permits supportive non-residential uses including neighbourhood shops; and
- **Zone R4 High Density Residential** provides for a high density residential environment such as residential flat buildings and supportive non-residential uses.

6.1.3 Zoning Options under Standard Instrument

In preparing the Comprehensive LEP, Council will need to identify the most suitable Standard Instrument residential zones that will apply to the City. The intention is to largely translate the existing RLEP zones to similar zones in the Comprehensive LEP. The following subsections outline residential zoning options under the Standard Instrument for consideration in the Comprehensive LEP.

Option 1: One Residential Zone

Zone R1 General Residential allows dwellings of all densities within the one zone. If used alone, this zone could cover all residential land in Randwick City with development standards (i.e. height, FSR) used to define density within geographical precincts.

This approach would be simple, clear and easy to apply. However it also means that all residential types would be permissible in the zone. It thus does not recognise the diversity and distinct character of different residential precincts throughout Randwick City.

It is suggested that the R1 zone is more appropriate for specific land such as large redevelopment sites for which a masterplan has been adopted (the approach taken for large sites over 10,000m²). The current 2D Comprehensive Development zone would translate appropriately into this zone.

Option 2: Four Separate Zones

Alternatively, the four existing residential zones in RLEP could be translated directly into the R1 General Residential, R2 Low Density, R3 Medium Density and R4 High Density zones of the Standard Instrument. This option would maintain the existing structure of four residential zones.

While the 2A zone translates easily into the R2 Low Density zone and the 2D zone translates well into the R1 General Residential zone, the R3 Medium Density and R4 High Density are not as clearly translated. This is because:

- The current 2B and 2C zones are similar as they both provide for medium density housing (and have the same floor space ratio controls for sites less than 700m²); and

- There is currently no high density residential zone within Randwick City (high density residential is currently within the town centres).

Option 3: Three Residential Zones – preferred option

The third option is to apply three (3) Standard Instrument zones being R1 General Residential zone (to cover master plan sites under the current 2D zone), the R2 Low Density zone (to cover the current 2A low density zone) and combine the existing 2B and 2C zoned land into the R3 Medium Density zone.

This option aligns closest to the intent of RLEP and development standards such as height and FSR could be used to define the density differences of the existing 2B and 2C zones (see section 6.2 below).

Recommendation:

The proposed translation of zones is illustrated as follows. The current RLEP objectives and permissible uses are proposed to be translated closely into the Standard Instrument zones and are included in full in Appendix B.

Table 6: Proposed Residential Zones

Randwick LEP Zone		Standard Instrument LEP Zone
Residential 2A (Low Density)		R2 Low Density
Residential 2B (Low Medium Density)		R3 Medium Density
Residential 2C (Medium Density)		R3 Medium Density
Residential 2D (Comprehensive)		R1 General Residential

6.2 Development Standards

The RLEP contains numerical development standards or controls to guide the built form and scale of residential development throughout the City. These are supported by more detailed controls and guidance in the Development Controls Plans (DCPs).

Development standards are important planning controls because they help guide the physical and visual amenity of a place and assist in reinforcing an area's existing or desired future character.

The RLEP prescribes the following development standards for all residential zones:

- Clause 20B - Minimum lot sizes and frontages
- Clause 20E - Landscaped area
- Clause 20F - Floor space ratios; and
- Clause 20G - Building heights and wall heights

In addition, controls applying to the 2D zone are:

- Clause 20C -Site specific development measures (includes storey controls for the 2D zone); and
- Clause 20D- Traffic and transport measures for 2D zone.

In preparing the Comprehensive LEP, Council will need to translate each of the RLEP development standards into the new format consistent with the Standard Instrument requirements as discussed below. The controls which relate to the 2D zone are discussed in further detail in Chapter 7.

6.2.1 Translating the Development standards

The Standard Instrument introduces a number of requirements with respect to how development standards will be expressed in the Comprehensive LEP and Comprehensive DCP.

A significant change is that the Standard Instrument allows for the optional use of only three development standards: minimum lot size, height and FSR.

All other RLEP development standards must be transferred into the Comprehensive DCP where relevant. These include:

- Landscaped area
- Minimum frontage requirements
- Wall heights; and
- Storey controls for the 2D zone

As none of the 3 development standards (i.e. minimum lot size, height and FSR) are compulsory under the Standard Instrument, the Council has to consider suitability of each for inclusion in the Comprehensive LEP.

Most Councils appear to be using these three standards in Comprehensive LEPs given that they have generally been used and well accepted in the planning system for many years as broad measures of building size, bulk and scale. It is important to note that in addition to the standards, good design also relies on a range of performance measures such as setbacks, landscaped area etc.

Key factors relating to these 3 development standards and the other standards are discussed below.

6.2.2 Minimum lot sizes

Minimum lot size controls provide minimum requirements for the subdivision of land within residential zones in order to protect and improve local amenity.

The RLEP Clause 20B establishes the following minimum lot sizes and frontage requirements in residential zones:

- All land in 2A zones (except for roads and public utilities): 400m² and minimum frontage of 12m
- Dwelling houses in 2A zones: 400m² and a 12m frontage
- Attached dual occupancies: 450m² and a 15m frontage; and
- 2B or 2C (except for multi-unit housing): 325m² and a 9m frontage.

Implications

A review of these standards was conducted as part of the RLEP consolidation process in 2009-2010. Accordingly this Paper is proposing retention of the current RLEP minimum lot size standards.

The minimum lot sizes for dwelling houses and dual occupancies in the 2A zone are generally reflective of the low density subdivision pattern and intensity of development within the majority of these areas, being in the central and southern suburbs. In the northern suburbs the subdivision pattern is generally below these standards, but the established nature of these areas generally limit the need/demand and suitability for further subdivision.

The provision of smaller lot sizes for single dwellings in 2B and 2C zones is also generally consistent with their medium density character.

A minimum lot size for multi-unit housing is not proposed as the technical and economic requirements of a development set a minimum lot size without need for regulation (e.g. minimum dimensions are required for basement car parking etc).

Recommendation:

This Paper proposes a direct translation of the existing RLEP minimum lot sizes as follows:

Table 7: Proposed Minimum Lot Sizes

Randwick LEP Zone		Standard Instrument LEP Zone
2A Zone – Single dwellings: 400m ²		R2 Zone – Single dwellings: 400m ²
2A Zone – Attached dual occupancy: 450m ²		R2 Zone – Attached dual occupancy: 450m ²
2B/2C Zone: 325m ² (not including multi unit housing)		R3 Zone – 325m ² (not including multi unit housing)

The Standard Instrument requires that minimum lot sizes be expressed by way of a Minimum Lot Size Map. Minimum frontage requirements (associated with each minimum lot size) should be transferred into the Comprehensive DCP.

Objectives

The Standard Instrument further requires a set of objectives for the operation of the Minimum Lot Size controls. This is consistent with the current 'purpose' notations in RLEP for all controls and with Council's resolution to prepare objectives to clarify the intent of development standards (as discussed in Chapter 3).

The RLEP purpose for the minimum lot size is:

'To establish minimum requirements for the subdivision of land within residential zones in order to protect and improve local amenity'

This should be reviewed and suitable objectives drafted in the Comprehensive LEP.

Recommendation

- Include a Minimum Lot Size clause and clear objectives in the Comprehensive LEP
- Translate existing lot size controls for single dwelling houses and attached dual occupancy into the Comprehensive LEP in their current form; and
- Translate the existing minimum lot frontages to the Comprehensive DCP.

6.2.3 Height Controls

Building height controls work in conjunction with other development standards to control built form and bulk and scale of development.

RLEP currently applies maximum height limits as follows:

- Residential 2A: 9.5m (except for dwelling houses)
- Residential 2B: 9.5m
- Residential 2C: 12m; and
- Residential 2D: Variety of heights (ranging from 8m to 18m)

The height controls are the same for the 2A and 2B zones. Further, there are no RLEP height controls applicable to dwelling houses. The *Dwelling House and Attached Dual Occupancy DCP* (Dwelling House DCP) contains 'preferred' wall height controls for dwelling houses (7m).

Implications

The Standard Instrument requires that if maximum heights are used as a development standard in the Comprehensive LEP they have to be mapped.

This Paper is proposing to retain the current height standards for residential development for the residential zones in the Comprehensive LEP as they are generally appropriate and function well in combination with associated controls.

This Paper also considers the merits of establishing height standards for dwelling houses in conjunction with objectives for height standards in the Comprehensive LEP as follows.

Height Controls for Dwelling Houses and Semi Detached Dwellings

As previously outlined there are no height standards in the RLEP for dwelling houses. The height control applicable is a 'preferred' wall height of 7m contained in the *Dwelling House and Attached Dual Occupancy DCP*. Notwithstanding this, single dwelling houses are generally built up to 9.5 metres as a rule of thumb, consistent with guiding diagrams in the DCP.

This results in the anomalous situation where a dwelling house is the only residential development with no height standard in the RLEP.

Inclusion of a height limit for dwelling houses in the Comprehensive LEP would deliver consistency whereby height standards are applicable to all forms of residential development in every residential zone.

It is important to note that a 9.5 metre height limit is marginally higher than the height limit provided for under the NSW Housing Code (8.5 metres for Complying Developments). This could potentially act as an incentive to encourage proponents to submit a development application which in turn affords greater scrutiny of proposals and public input, than the Complying Development process under the Code. The height standards in the Comprehensive LEP will be a maximum height and therefore include the roof of the building.

By including the dwelling house height standard in the Comprehensive LEP variations would need to be justified (such as for sloping sites or where the existing streetscape is of a higher height) using compulsory Clause 4.6 Exceptions to Development Standards which will replace and mirror the SEPP 1 objection process (as discussed in further detail in Chapter 7).

The proposed height for dwelling houses will be applicable to the 2A, 2B and 2C zones (equivalent to Standard Instrument R2 Low Density and R3 Medium Density zones). In addition, it is suggested that the 9.5m height limit be also applied to semi detached dwellings which have been traditionally assessed as dwelling houses in Randwick City (see further discussion on semi-detached dwellings in sections 6.2.4 and 6.3.2).

Recommendation:

- It is proposed that the current height controls be translated into the Comprehensive LEP as follows:

Table 8: Proposed Heights

Randwick LEP Zone		Standard Instrument LEP Zone
2A Zone – 9.5m (except for dwelling houses)		R2 Zone – 9.5m* (including attached dual occupancy)
2B Zone – 9.5m		R3 Zone – 9.5m*
2C Zone – 12m		R3 Zone – 12m*
2D Zone - Various		R1 Zone – Various (retain current range of heights)

* A 9.5m height control is applicable for both dwelling houses and semi detached dwellings across the residential 2A, 2B and 2C zones (equivalent to the R2 Low Density and R3 Medium Density zones under the Standard Instrument).

Height Objectives

The Standard Instrument requires a set of objectives for the operation of the height controls which is similar to the “purpose” set out in the RLEP in relation to the height standards.

The current RLEP purpose for the height standards is:

‘ to operate together with controls for floor space ratio and landscaped area to limit the size, scale and site coverage of a building having regard to the environmental amenity and aesthetic character of the area’

This should be reviewed and suitable objectives drafted in the Comprehensive LEP.

Recommendations:

- Include a maximum height clause for residential zones with clear objectives in the Comprehensive LEP
- Translate the current RLEP maximum height limits into the equivalent Standard Instrument Zones in the Comprehensive LEP; and
- Include a maximum height of 9.5m for dwelling houses and semi detached dwellings in the Comprehensive LEP
- Include maximum wall heights or a similar control in the Comprehensive DCP; and
- Include current wall height and storey controls for the 2D zone in the Comprehensive DCP.

6.2.4 Floor Space Ratio Controls

Floor Space Ratio (FSR) controls the area of a building relative to the area of the site. It is one of the key elements of controlling the bulk and scale of development and is also commonly used in the calculation of development yield or rentable area. Floor space incentives contained in state planning policies (such as the Affordable Rental Housing SEPP and SEPP Housing for Seniors and People with a Disability) also relate to FSR.

As a broad numerical measure, FSR must work in conjunction with other standards such as heights and more detailed provisions such as building setbacks, landscaped area and articulation to achieve good design outcomes.

The RLEP applies maximum FSR development standards for residential development as follows:

- 2A: 0.5:1 (attached dual occupancies only)
- 2B: 0.65:1
- 2C: 0.65:1 (lot size < 700m²)
- 2C: 0.9:1 (lot size > 700m²); and
- 2D: Variety of FSRs (ranging from 0.5:1 – 1.2:1)

The RLEP does not contain FSR standards applicable to dwelling houses. These controls are included as *preferred solutions* in the *Dwelling House and Attached Dual Occupancy DCP* and apply to all dwelling house development whether in the 2A, 2B or 2C zone. They are expressed on a sliding scale:

- 0 - 300m²: 0.65:1
- 300m² – 450m²: 0.6:1
- 451m² – 600m²: 0.9 – (site area/1500); and
- 600m² +: 0.5:1

(Formula within this scale ranges between 0.5:1-0.6:1)

Implications

Similar to minimum lot size and height controls, if FSRs controls are used in the Comprehensive LEP they have to be mapped and a series of objectives included providing the framework for the operation of the controls.

If not used, the Comprehensive DCP must address FSR with alternative measures such as building envelopes. In recent years town centre DCPs have used building envelopes as an effective measure to encourage good design, particularly when applied to specific locations and sites. However, given that the residential zones apply to a diverse mix of housing of varying ages and styles, it is suggested that FSRs continue to be used in conjunction with DCP measures.

The advantage of including FSR controls into the Comprehensive LEP is that being a quantitative measure, it is easier to measure and compare. The disadvantages

are that FSR is a blanket measure that does not easily reflect variable site conditions such as slopes, aspect, irregular block sites and the like.

In reviewing the current FSR controls for the Comprehensive LEP the following issues have been identified and discussed below.

Gross Floor Area Definition

Gross floor area refers to the sum of the areas of each level of a building.

The Standard Instrument introduces a definition of gross floor area (GFA) which does not include the outer walls of a building. (Refer to Appendix C for the definition of gross floor area).

This is generally the same as the definition contained in the RLEP. However, dwelling houses are currently subject to a different definition through the Dwelling House DCP which includes the outer walls of a building.

Adoption of the Standard Instrument may consequently result in the equivalent or a small increase of permissible floor space in dwelling houses though this is expected to be nominal. This is difficult to quantify as it varies depending on form and construction. For example, a building with double brick outer walls will have a slightly different gross floor area from a building with thin walls clad with light weight materials.

FSR Controls for Dwelling Houses

As noted, the FSR for dwelling houses is currently contained in the Dwelling House and Attached Dual Occupancy DCP (rather than the RLEP) and on a sliding scale based on different lot sizes. The Standard Instrument requires that if used, FSR is to be incorporated into the Comprehensive LEP or alternative measures can be incorporated into the Comprehensive DCP.

The advantage of including FSR controls for dwelling houses in the Comprehensive LEP is that it would create greater consistency in the controls whereby every type of residential development has an FSR in the Comprehensive LEP.

A review of the current Dwelling House DCP FSR sliding scale has been undertaken taking into consideration the NSW Housing Code, trends in DA approvals, previous planning controls, comparison with other similar Council areas and industry best practice.

It is noted that existing FSR controls do not strongly reflect existing development or good quality design proposals particularly on smaller lots (under 300m²) (as detailed in Appendix D). This issue is particularly pertinent to semi detached dwellings constructed in early to mid 20th century which often already exceed the current Dwelling House DCP FSR sliding scale controls.

Council research of a number of recently approved DAs has identified that on smaller lots there is a pattern of large variations to the FSR controls ranging from 0.65:1 to more than 1:1. This is predominantly due to the nature of older properties which already exceed the controls, consistency of proposals with the existing surrounding streetscape or other variables such as subdivision, orientation and slope.

These variables highlight the difficulty in establishing a blanket FSR control to accommodate the diverse site contexts of the smaller lots.

NSW General Housing Code Implications

The NSW General Housing Code introduces floor area controls (instead of FSR) to regulate building density for Complying Developments. A 'percentage approach' applies to lots smaller than 300m² while a fixed amount of maximum floor area applies to lots greater than 300m². If this is converted to an approximate FSR control, the Housing Code generally permits a slightly higher FSR than the Council's DCP particularly for smaller sites (see Table 9).

It would be desirable for Randwick City's FSR controls for single dwellings and semi detached dwellings to be generally consistent or provide slightly higher FSR measures than the Housing Code to encourage proponents to follow the merit based DA process. This would allow for a more comprehensive assessment of amenity impacts and public input than would otherwise occur if all single dwellings and semi detached dwellings were assessed as Complying Development under the Housing Code.

Proposed Sliding Scale FSR Controls for Dwelling Houses

The following table shows the existing and proposed FSR controls for single dwellings in the Comprehensive LEP by lot size. Consistent with the current Dwelling House DCP, the proposed FSR sliding scale is applicable to dwelling houses across the 2A, 2B and 2C zones.

Given the existing variables and difficulty in applying an FSR control that accurately reflect the varying site constraints of the smaller lots, it is proposed that floor space be considered on a merit basis supplemented by envelope controls in the Comprehensive DCP (such as setbacks and landscaped area) to control the bulk and scale of development for lots less than 300m².

For lots greater than 300m², the proposed FSR controls are graded with regard to consistency with the NSW Housing Code, existing development patterns and reasonable dwelling sizes. It is further noted that the proposed FSR controls are also consistent with the historical FSR controls for dwelling houses in the Randwick DCP 1985, which appear to better reflect the scale and form of existing dwelling house and semi detached dwelling development (see Appendix D).

Table 9: Proposed Dwelling house FSR controls by lot sizes

Lot size	Dwelling House DCP	NSW Housing Code	Comprehensive LEP Option
<300m ²	0.65:1	<200m ² - not applicable 201-300m ² - Up to 0.78:1	Not specified (merit)
301-450m ²	0.65:1	Up to 0.78:1	0.75:1
451-600m ²	Up to 0.6:1	Up to 0.65:1	0.65:1
>600m ²	Up to 0.5:1	Up to 0.57:1	0.6:1

An analysis of the current Dwelling House DCP FSRs and comparisons with the NSW Housing Code is contained in Appendix D.

Recommendations:

- Include a sliding scale of FSRs for single dwelling houses in the Comprehensive LEP
- Revise the existing FSR scale for single dwelling houses to reflect existing development and to be more consistent with the NSW Housing Code; and
- Include supplementary controls/guidance on bulk/scale in the Comprehensive DCP.

FSR Controls for Semi Detached Dwellings

Semi-detached housing is not separately defined in RLEP. This form of housing has been traditionally assessed as a dwelling house with the application of the FSR sliding scale in the Dwelling House DCP.

As a result of legal advice received in 2010, semi detached dwellings are currently being assessed as attached dual occupancy with a maximum FSR of 0.5:1. It was not the RLEP intentions to apply the more restrictive development standards for attached dual occupancy to semi detached dwellings.

Many semi detached dwellings in Randwick City were built in the 19th century on small lots (e.g. under 300m²) and as such exceed the current RLEP FSR standards for attached dual occupancy in the 2A zone.

The Council recently prepared a Planning Proposal to address the definitional issue to clarify that semi detached dwellings fall under the definition of dwelling house and not attached dual occupancy or multi unit housing. This will clarify the applicable standards for semi detached dwellings i.e. dwelling house controls and not attached dual occupancy.

Given the difficulty in establishing a blanket FSR control to meet the constraints of the smaller sites, and to ensure consistency with the intended approach to the assessment of semi detached dwellings, it is suggested that the proposed FSR

sliding scale for dwelling houses also be applied to semi detached dwellings in the Comprehensive LEP.

Recommendation:

- Apply the proposed dwelling house sliding scale FSR to semi-detached dwellings in the Comprehensive LEP.

FSR for Attached Dual Occupancy

The RLEP applies a maximum FSR of 0.5:1 to attached dual occupancy development in the 2A zone. This differs markedly from the preferred FSR of up to 0.6:1 for dwelling houses under the *Dwelling House and Attached Dual Occupancy DCP* for lots upon which an attached dual occupancy would also be permitted (450m² or more). The rationale for this difference is primarily that attached dual occupancies have higher space requirements for ancillary facilities such as car parking and private open space simply because 2 of each are required on each site, and also to provide for good design (e.g. dwelling entries to the street frontage).

Nevertheless, experience has demonstrated that it is possible to provide all ancillary facilities in full compliance with the DCP and protect neighbourhood amenity with higher FSRs.

Council's research has identified that many existing attached dual occupancies exceed the current FSR standards. These have generally been approved by way of a variation to the development standard where the proposal has demonstrated a compatible scale with neighbouring buildings and minimisation of adverse impacts such as privacy, overshadowing and view loss.

These developments demonstrate that an FSR of up to 0.6:1 can readily be achieved and both be compatible with the scale of surrounding development and minimise adverse amenity impacts. In the denser northern suburbs, some developments up to 0.96:1 have achieved similar outcomes.

The provisions for secondary dwellings contained in the AHSEPP have particular implications for attached dual occupancies. Under this Policy, secondary dwellings (which are effectively a type of attached dual occupancy development), can be constructed up to the maximum FSR permitted for the site under the NSW Housing Code.

For example it would be possible to construct a form of attached dual occupancy development (secondary dwelling under the AHSEPP) on an lot of 450m² up to a total floor area of 294m² (FSR 0.65:1). Under the RLEP a similar development could only be constructed up to approximately 225m² (FSR 0.5:1)⁶. This not only creates an anomalous planning outcome but results in a means by which the RLEP controls could be circumvented to produce larger developments on a site.

This raises the question whether to continue with separate attached dual occupancy provisions given the overlap with the AHSEPP. The NSW Government have recently flagged that the AHSEPP will be reviewed and this should be revisited following the outcome of that review.

⁶ Note that the only difference is under the first scenario 1 of the dwellings has to be no more than 60m² but in the second scenario there is no such restriction.

Accordingly the following options have been prepared for consideration.

Option 1: Retain current controls

Under this option, the current FSR standard of 0.5:1 for attached dual occupancy in the 2A zone would be translated into the Comprehensive LEP in its current form.

While this option would retain the existing approach, it does not address the issue of recurring variations to the standards (or the potentially higher FSRs permitted under the AHSEPP). On the other hand, it could encourage greater use of the AHSEPP provisions (to achieve higher FSR) which in turn could more effectively meet the City's affordable housing needs.

Option 2: Increase FSR controls

The second option would be to amend the FSR standards from 0.5:1 to 0.6:1 in the Comprehensive LEP. This produces a built form which is comparable to that permitted for a dwelling house on a similarly sized lot and is a more realistic representation of the amount of floor space which can comfortably be achieved on a site while protecting occupant and neighbourhood amenity.

This proposed FSR is more closely aligned with trends for approved variations in the southern suburbs where the majority of attached dual occupancy occurs. It is also consistent with the FSR for dual occupancy applied to Randwick City under the former SREP 12 and partially addresses the issue of higher floor spaces permitted under the AHSEPP.

The drawback of this approach is that it could act as an incentive for more attached dual occupancy development in the southern suburbs, thereby increasing density in areas that are not relatively well serviced by public transport and services.

Recommendation:

- Consider community comments on these options and any NSW Government feedback on the directions of the AHSEPP review.

FSR for 2A Zone

The RLEP applies a maximum FSR of 0.5:1 to all buildings in the 2A zone other than buildings erected for the purpose of a dwelling house. Such buildings include childcare centres and the like. To ensure that a reasonable level of amenity is maintained in the 2A zone, it is proposed that the current FSR be retained in the Comprehensive LEP, noting that it will not be applicable to dwelling houses and semi detached dwellings (and potentially attached dual occupancy depending on community feedback on options).

Recommendation:

- Retain the 0.5:1 FSR for all buildings in the 2A zone (other than for the purpose of dwelling houses, semi detached dwellings and potentially attached dual occupancy).

FSR in the 2B Zone

The RLEP 2B zone currently has a maximum FSR of 0.65:1 which is generally applicable to low-medium scale housing such as town houses, villas and small flats.

The majority of 2B zoned land is located in the more established northern suburbs such as Coogee and Randwick where residential density is more variable than in the south. More than 50% of lots in the 2B zone are less than 450m² while around 25% of lots are less than 300m² (see Appendix D). This is particularly a reflection of the more compact subdivision pattern existing in the northern suburbs.

Relationship between FSR of dwelling houses and multi-unit development in the 2B zone

Under the current development standards, the maximum FSR of 0.65:1 for 2B zones is generally equivalent to that also permitted for dwelling houses for a significant proportion of lots in any residential zone by the Dwelling Houses and Attached Dual Occupancies DCP (i.e. 300m² or less). Dwelling houses, however, generally have above ground garages which, although they contribute to the building envelope, do not contribute to the FSR; multi-unit development, on the other hand, generally places car parking in basement garages which results in smaller building envelope than a single dwelling complying with the same floor space controls.

Apart from this, under the current controls both a dwelling house and medium density development (e.g. town houses) generally possess a similar urban form in respect of the general scale and massing of development. They differ, however, in that in the 2B medium density development, the same volume of building may be subdivided into multiple occupancies (through strata plan subdivision).

Implications of the NSW Housing Code

The introduction of the NSW Housing Code also has implications for FSR standards in the 2B zone.

The Housing Code permits an FSR of up to 0.78:1 for dwelling houses on lots of 200m² - 300m² in any residential zone. Consequently, it is now possible to construct a dwelling house of up to 0.78:1 (depending on lot size) in a 2B zone directly adjacent a town house or residential flat development for which the maximum permitted FSR is 0.65:1.

The result could be the anomaly where a detached dwelling on one lot (under Complying Development) may have a larger built form than a town house or residential flat development on the same land.

Allowing a higher FSR for dwelling houses in the 2B zone (through the Housing Code) could potentially erode the objectives and intended planned character of the 2B zone generally.

Existing Development

A review of existing development in 2B zoned land shows that a significant portion of it exceeds the current FSR standards. Some of this dates from prior to WWII and before the introduction of the current planning controls, while some

dates from the period following the adoption of the current RLEP 1998. Some of this development has an FSR up to 1.3:1 or more.

A further review of DAs approved over the past 5 years has identified that many applications have exceeded the applicable standard. Many of these have been approved under the provisions of SEPP 1 on the basis that they meet the objectives of the standard. In many instances, this was based on the consistency of the proposal with the FSR of neighbouring properties and/or the character of the surrounding urban area.

The majority of these DAs apply to lots that are less than 450m² and many are for only minor alterations and additions to an existing building to meet current lifestyle requirements such as open plan living.

The current FSR standards therefore often do not reflect the established character of the 2B zone, (particularly for the smaller lots).

Adjustments to the 2B Zone FSR

The respective intensities of land use in the low and medium density zones are generally reflected in their applicable FSRs. To avoid the anomalies described above, it would be desirable to ensure that the FSR for the current 2B zone is reflective of its objectives for a more intensive land use than the 2A zone.

Accordingly the FSRs should be tailored to allow development of generally the same or slightly greater intensity than that in the 2A zone.

In addition to the analysis outlined above (e.g. NSW Housing Code etc), a review of other local government areas with similar characteristics to Randwick City (eg: Willoughby and Marrickville) reveals that an FSR of around 0.7:1 is generally considered appropriate for low-medium density areas which contain town houses and low-scale walk up residential flat buildings. Furthermore, an FSR within the range of 0.7 to 0.9 is consistent with best practice principles set out in the Landcom Residential Development Guide for low-medium density development (see Appendix D).

To reflect the pattern of existing development, and to ensure a clear differentiation between the low density and low-medium density zones, it is proposed that the FSR for the 2B zone be revised to 0.75:1. This would place the FSR for this zone slightly above the maximum currently permitted for the 2A zone, or, at the same maximum proposed for the FSR sliding scale for dwelling houses and semis. Further it would better reflect the intended character of the 2B zone and reinforce the residential zone hierarchy.

Recommendation:

- Amend the FSR applicable to the 2B zone to 0.75:1 to reflect both the existing and intended character of the medium density zone and ensure an appropriate relationship with the 2A zone.

FSR in the 2C Zone

As previously noted, under the RLEP two FSR standards apply to the Residential 2C zone:

Lots <700m² - 0.65: 1
Lots >700m² - 0.9:1

Under this standard, the FSR increases as the site area increases. As approximately 80% of the lots in the 2C zone are less than 700m², an FSR of 0.65:1 (which is generally equivalent to a dwelling house for lots less than 300m²) is required for the majority of multi-unit housing in this medium density zone.

The intended purpose of this two tiered FSR based on land area is to encourage site amalgamation in the 2C zone and to limit the bulk and scale of the development on smaller lots which may have difficulty achieving minimum standards of site amenity at the higher FSR.

Experience, however, suggests that the following issues arise with this approach:

- It has generally not encouraged lot amalgamation
- It is frequently varied through SEPP 1 where it is demonstrated that a proposal can achieve adequate amenity for both occupants and adjacent properties and reflect the character of surrounding area
- Other development limits apply to smaller lots, particularly in respect of their potential to provide adequate car parking (i.e. economics and logistics of providing driveway ramps to basements and the like); and
- Some small lots (e.g. a 325m² lot) in the 2C zone may permit the erection of a dwelling house up to 0.72:1 (under the Housing Code) yet only permit an FSR of up to 0.65:1 for a multi-unit housing development.

As identified above, development on lots less than 700m² frequently exceeds the nominated standard where it is demonstrated that the objectives of the zone are achieved. Council research has identified that for such developments the FSR is often the same as that applied to larger lots (i.e. up to 0.9:1).

This is particularly the case in the northern suburbs given the existing historical character of the surrounding streetscape which is of a greater scale, or where the proposal relates to an older building which already exceeds the standard. This suggests that the application of the current FSR standards, particularly for lots less than 700m², does not always apply well to individual site contexts or character of the surrounding area, particularly in the northern suburbs.

Additionally, (similar to the 2B zone), the application of the Housing Code has potential implications on the intended medium density character of the Residential 2C zone. As highlighted above, under the Code on certain lot sizes, it is theoretically possible to construct a dwelling house with a higher FSR than a multi-unit housing development in the 2C zone. Furthermore under the current Dwelling House and Attached Dual Occupancy DCP for lots less than 300m² (which comprises around 25% of the 2C zone) the FSR is the same for both a dwelling house and a multi-unit housing development.

This can result in a planning anomaly where traditional 'low density' dwelling houses could have a higher or equivalent FSR to a 'medium density' multi-unit housing development in the medium density zone.

Furthermore, given that all residential flat buildings are now subject to the more onerous provisions of SEPP 65- Design Quality of Residential Flat Buildings, most developments on 2C land go through a rigorous design, review and assessment process and experience suggests that this can effectively address amenity and urban design issues, including on sites less than 700m².

The following subsections outline FSR options for the 2C zone for consideration in the Comprehensive LEP.

Option 1: Retain Current Split FSR Controls

Under this option the current FSR controls for the 2C zone (0.65:1 for lots <700m² and 0.9:1 for lots >700m²) would be translated into the Comprehensive LEP and applied to the equivalent Standard Instrument zone (R3 Medium Density zone).

The main drawback of this approach is that it would simply transfer the existing FSR issues namely overly restrictive standards for smaller lots and highlight the anomalies created between multi-unit development and dwelling house development.

Option 2: Apply 0.9:1 FSR Control to 2C zone – Preferred Option

The second option would be to extend the application of the 0.9:1 FSR control across the entire 2C zone (to include lots that are smaller than 700m²).

This simpler FSR approach would allow for suitable assessment of all lot sizes especially reasonably sized buildings on smaller lots. This is important for the purposes of equity (for those smaller sites surrounded by more intensely developed neighbours). Importantly it would reinforce the distinction between the 2A, 2B and 2C zones, thus better reflecting the intended scale and medium density character of the 2C zone.

A review of other local government areas with similar characteristics to Randwick City (e.g.: Willoughby and Marrickville) reveals that an FSR of around 0.9:1 falls within the range of what is considered to be appropriate for medium density areas which feature town houses and residential flat buildings of 3-4 storeys.

Similarly an FSR of 0.9:1 is consistent with best practice principles in the *Landcom Residential Development Guide* for medium density multi-unit housing development (see Appendix D).

Option 3: Retain split FSR with increase to 0.75:1 for lots < 700m²

The third option is a modification of Option 1. It retains the existing split FSR allowing more floor space on larger sites, but would increase the lower FSR from 0.65:1 to 0.75:1.

This would recognise the higher FSRs permitted under the Housing Code for all residential zoned land, as well as the current and proposed FSRs for lower density zoned residential lands across the City (i.e. the 2A and 2B zones). It would

further retain some incentive to amalgamate smaller lots to produce a more unified urban form.

It should be further noted that if both this or Option 1 are supported, a review of the 700m² split should also be considered. As aforementioned, around 80% of the lots in the 2C zone are less than 700m² which effectively means that a FSR similar to a dwelling house is required for most multi unit housing in the medium density zone. To ensure reasonably sized development that is reflective of the objectives of the medium density zone, a review of the split FSR controls may look at the opportunity to apply the lower split control to a smaller proportion of lots in the zone. See Appendix D for more information on lot sizes in the 2A, 2B and 2C zones).

Recommendations:

- Consider community feedback on these options; and
- Include built form controls/guidelines for multi-unit housing on smaller lots in the Comprehensive DCP.

Objectives for FSR

Similar to minimum lot size and height controls, if maximum FSR limits are included in the Comprehensive LEP, the Standard Instrument requires the inclusion of objectives to compliment the FSR development standards. These are similar to the 'purpose' set out in the RLEP in relation to FSR standards.

The current RLEP purpose for the FSR standard is:

'to operate together with controls for building height and landscaped area to limit the size, scale and site coverage of a building having regard to the environmental amenity and aesthetic character of the area'

This should be reviewed and suitable objectives drafted in the Comprehensive LEP.

Recommendation:

- Include clear objectives in the Comprehensive LEP to clarify the intent of the FSR controls.

6.2.5 External wall height controls

External wall height controls aim to create a clear distinction between the overall height of a building and the roof height of a building.

The RLEP applies the following maximum external wall heights for all forms of development except for dwelling houses:

- 2A: 7m
- 2B: 7m
- 2C: 10m; and
- 2D: various

A wall height control of 7 metres for single dwelling houses is included as a *preferred approach* in the Dwelling House DCP.

Implications

The Standard Instrument does not provide for an external wall height control and accordingly the wall height controls of RLEP will be translated to the Comprehensive DCP (if considered necessary).

However further consideration is required on the suitability of the external wall height control in terms of compatibility with contemporary architectural forms.

The current RLEP wall height controls presume a standard roof form and are therefore more appropriate for architecture with traditional hipped or flat roofs, but can be unnecessarily restrictive on more inventive, but otherwise appropriate, architectural forms.

In particular it discourages the following:

- Gable ends on front elevations where they could be desirable in the streetscape (especially in heritage conservation areas)
- Butterfly roofs
- Other contemporary rectilinear roof forms; and
- Clerestory windows (desirable for passive solar heat gain).

In addition to these issues, the sloping topography in certain areas often leads to non compliance with the controls resulting in applications to vary the development standard, often limited to parts of the building.

In view of these issues, further consideration will be given to whether the external wall height controls are a suitable measure in the Comprehensive DCP.

Recommendations:

- Transfer the existing RLEP wall height controls into the Comprehensive DCP; or
- Replace the external wall height control with another suitable control/s to provide greater flexibility and compatibility with contemporary architectural forms, while addressing relationships to neighbouring properties.

6.2.6 Landscaped Area Controls

Under RLEP landscaped area is a statutory development standard which informs site layout and seeks to preserve local amenity by requiring a minimum landscape area on residential sites.

The RLEP establishes the following landscaped areas in residential zones:

- All land in 2A zones (except for dwelling houses): 40%
- All land in 2B or 2C zones (except for dwelling houses): 50%

- Area over basements or podiums must not exceed 50% of that specified in the first two points above; and
- All land in 2D zones – Variety ranging from 30%- 40%.

Under RLEP landscaped area generally includes the part of the site area that is used for outdoor recreation, both permeable and non permeable garden areas (e.g. lawns, gardens, barbeque areas, footpaths and the like). It also includes landscaped podium areas, unroofed swimming pools and water tanks at ground level.

The Dwelling House DCP provides the landscaped area requirements for dwelling houses being a preferred solution of 40% of the total site area.

Implications

The Standard Instrument does not make provision for a landscaped area control. Accordingly the landscaped area controls of RLEP will be transferred to equivalent controls in the Comprehensive DCP.

Although it doesn't provide for any applicable development standards, the Standard Instrument defines landscaped area as permeable landscaping only – i.e. that part of the site used for growing plants, grasses and trees (deep soil). It does not include any building, structure or hard paved area.

This is at variance from the RLEP definition which includes non-permeable area in the landscaped area calculations.

The change to the definition will necessitate a review of landscaped area controls in the Comprehensive DCP to ensure that adequate levels of permeable and non-permeable areas are maintained. The new definition will reduce ambiguity about what consists as deep soil areas. Notably this will address the Council Resolution regarding landscaped area highlighted in Chapter 3.

To ensure that sites are not dominated by built elements, a maximum site coverage measure could also be considered in the Comprehensive DCP.

Recommendations

- Include permeable and non permeable landscaped area requirements equivalent (or more generous) than current controls in the Comprehensive DCP; and
- Consider a site coverage measure in the Comprehensive DCP.

6.3 Definitions

The Standard Instrument introduces a dictionary of standardised definitions for all forms of development including residential. All Councils are required to incorporate this dictionary into their Comprehensive LEPs.

Table 10 compares the current definitions for different types of residential development in the RLEP to those in the Standard Instrument. Appendix C contains the full wording of these definitions.

Most of the residential definitions in RLEP are comparable to those of the Standard Instrument.

However there are some variations in wording for multi-unit housing. The Standard Instrument also introduces additional definitions for semi-detached dwellings, secondary dwellings and group homes.

Table 10: Residential Development Comparison of Definitions

Randwick LEP		Standard Instrument	Differences/Commentary
Residential Accommodation			
Dwelling – separate residence		Dwelling – separate domicile	✓ Generally same definition
Dwelling house		Dwelling house	✓ Same definition
Attached dual occupancy 2 attached dwellings on same lot	 	Dual occupancy 2 dwellings on same lot - Attached or detached	✓ Generally same definition but allows for Council to choose attached or detached dual occupancy.
No comparable definition		Semi-detached dwelling - Dwelling on own lot - Attached to only one other	New definition
Multi-Unit Housing 2+ dwellings on same lot whether or not attached	  	Attached dwellings 3+ dwellings on separate lots Multi-dwelling housing 3+ dwellings on same lot - Each with access at ground Residential flat buildings 3+ dwellings on same lot - Common access point(s)	Changes to definition
No comparable definition		Secondary dwelling - On same lot as principal dwelling - Within, attached or detached	New definition
Tourist and Visitor Accommodation			
Backpacker accommodation		Backpackers' accommodation	✓ Generally same definitions
Bed and breakfast Max 6 guests		Bed and breakfast Maximum rooms to be specified	✓ Generally same definitions
Boarding house		Boarding house	✓ Generally same definitions
Motel No license		Hotel or motel accommodation whether or not licensed	✓ Generally same definitions
Serviced apartments		Serviced apartments	✓ Generally same definitions
Other Housing Types			
No comparable definition		Seniors housing	New definition
Residential care facilities		Residential care facilities	✓ Generally same definitions
Group homes		Group homes	New definition

Implications of the changes to the definitions are summarised as follows.

6.3.1 Secondary Dwellings

The Standard Instrument introduces a definition for secondary dwellings, also known as 'granny flats' which is consistent with the Affordable Rental Housing SEPP (AHSEPP).

Secondary dwellings provide an alternate type of affordable housing, however are not defined under RLEP. This additional definition will create greater clarity in terms of terminology in the Comprehensive LEP. Further discussion on secondary dwellings is included in Chapter 7.

6.3.2 Semi Detached Dwellings

Semi-detached dwellings are common features in the urban landscape of Randwick City. They comprise 2 dwellings each on their own individual lot that are attached by a common wall.

As discussed earlier in this Paper, the RLEP currently does not contain a definition for semi detached dwellings which can lead to ambiguity as to what definition this form of housing falls under.

Introduction of the new Standard Instrument definition will address the current RLEP definitional ambiguity and provide greater clarity in the Comprehensive LEP about this form of land use and the applicable planning controls.

6.3.3 Multi-unit Housing (villas, town houses, residential flat buildings)

Multi unit housing under the RLEP broadly refers to all types of housing which contain 2 or more dwellings, whether attached or detached. This includes all medium density housing forms from villas, terraces and townhouses through to residential flat buildings.

The Standard Instrument introduces 3 definitions that describe different types of medium density housing that already fall within the RLEP definition for multi-unit housing: attached dwellings, multi dwelling housing and residential flat buildings (see Table 11).

The introduction of the new definitions will create greater clarity in the Comprehensive LEP and Comprehensive DCP as it can allow zoning objectives, built form planning controls and performance requirements to be more closely tailored to these clearly defined land uses.

An implication of the new definitions is that multi-unit housing containing 2 dwellings will no longer be permitted in the R3 Medium Density and R1 General Residential zones. The inclusion of dual occupancy in the land use tables for these zones could address this issue.

Table 11: Standard Instrument Multi-Unit Housing Categories

Housing Category	Definition	Examples
Attached dwelling	Means a building containing 3 or more dwellings, where: a) each dwelling is attached to another dwelling by a common wall, and b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and c) none of the dwellings is located above any part of another dwelling.	
Multi dwelling housing	Means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.	
Residential flat building	Means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.	

6.3.4 Group Homes

Group homes provide an important form of supported accommodation for people with disabilities, socially disadvantaged and transitional groups.

The Standard Instrument defines two types of group homes, permanent group homes and transitional group homes.

Permanent group homes generally permanent household accommodation for people with a disability or people who are socially disadvantaged.

Transitional group homes provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people.

While group homes are not defined under the RLEP, they are defined under the AHSEPP. This new definition will create consistency in terms of terminology between the Comprehensive LEP and the AHSEPP.

6.3.5 Seniors Housing

While RLEP provides for accommodation specifically for seniors under the definition of residential care facilities, the Standard Instrument introduces a broader land use term, seniors housing, to encompass the full range of seniors living options, including retirement homes, and hostels and residential care facilities.

The Standard Instrument definition is generally similar as the definition for seniors housing in the State Environmental Planning Policy Housing for Seniors or People with a Disability (Seniors Living). Inclusion of the new definition in the Comprehensive LEP will create greater consistency in terminology and make it clear about what types of developments comprise seniors housing.