

Planning Proposal:

**Minimum subdivision lot size and attached
dual occupancy development in the R2 Low
Density Residential Zone**

(May 2018)

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Introduction

This planning proposal explains the intent of, and justification to amend Randwick Local Environmental Plan 2012 (RLEP 2012) in relation to the minimum subdivision lot size standard for attached dual occupancy development, as it applies to land zoned R2 Low Density Residential.

It is the result of a changing policy environment which has necessitated a review of the minimum subdivision lot size standard in relation to attached dual occupancy development in Randwick City.

A review of the of the minimum subdivision provisions under the Randwick Local Environmental Plan 2012 (RLEP 2012) applicable to attached dual occupancy development in the R2 Low Density Residential zone was instigated in response to concerns raised by some members of the community that the lending restrictions placed by banks on attached dual occupancies under company title is placing financial hardship on the owners of these properties. In response the Council initiated a community consultation programme on this issue to obtain the views of the public on whether a change to the subdivision provisions should be made.

During this time, the Minister for Planning announced the commencement of the new Low Rise Medium Density Code. The key implication of the new Code for the Council's minimum subdivision lot size review is that from 6 July 2018, the new Code will permit the subdivision (both Torrens and Strata title) of new dual occupancies built under the Code on lots much smaller than what is currently permissible under RLEP 2012 and as complying development. However, the new Code will not apply to existing attached dual occupancies. As such, on the 17 April 2018 the Council at an extraordinary meeting resolved to amend the RLEP 2012 to help address the subdivision paradigm for those owners of existing attached dual occupancies also. A copy of this report and resolution is attached as Attachment A.

This planning proposal has been prepared in line with the Department of Planning and Environment's Planning Proposal Guideline, August 2016.

Part 1 – Objectives or intended outcomes

The objectives of the planning proposal is to amend the minimum subdivision provisions applicable to attached dual occupancy development in the R2 Low Density Residential zone, to allow for certain attached dual occupancy development in this zone that was approved prior to 6 July 2018 to be subdivided in accordance with the relevant subdivision standards contained in Part 6 of the Exempt and Complying Development Codes – Amendment 2017 or 'the Low Rise Medium Density Code'.

Detail of the intended provision is described under Part 2 – explanation of provisions.

Part 2 – Explanation of provisions

The proposed outcome will be achieved by including a new local provision that will outline an exception for Torrens and Strata Subdivision of certain dual occupancy development under Part 4.1 Minimum Subdivision Lot Size Provisions of the RLEP 2012, that:

1. Confirms that the clause only applies to a dual occupancy on a lot within Zone R2 Low Density Residential for which development consent was granted prior to 6 July 2018;
2. In relation to the strata subdivision¹ of a dual occupancy to which this provision applies is permitted with development consent provided that:
 - the area of the lot to which the development consent for the dual occupancy relates is not less than 450 square metres; and
 - one dwelling will be situated on each lot resulting from the subdivision (other than any lot comprising common property); and
 - the subdivision does not contravene any condition of any development consent applying to the dual occupancy; and
 - each dwelling will have lawful frontage to a public road (other than a lane); and
 - no dwelling is located behind any other dwelling on the same lot (except in the case of a corner lot or a parallel road lot); and
 - each lot resulting from the subdivision will have a minimum width (measured at the building line) of 6m; and
 - in the case of a dual occupancy where no part of a dwelling is located above any part of another dwelling the strata area (being the area of the ground floor of all dwellings) is not less than 180 square metres.
3. In relation to the Torrens title subdivision of a dual occupancy to which this provision applies is permitted with development consent provided that:
 - the area of each lot resulting from the subdivision is at least 240 square metres; and
 - one dwelling will be situated on each lot resulting from the subdivision; and
 - the subdivision does not contravene any condition of any development consent applying to the dual occupancy; and
 - each dwelling will have lawful frontage to a public road (other than a lane); and
 - each lot resulting from the subdivision will have a minimum width (measured at the building line) of 6m.
4. Confirms that the terms “lane”, “building line”, “corner lot” and “parallel road lot” used in this provision have the same meaning as provided in clause 1.5 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The above provisions have been drafted based on legal advice received on 14 April 2018 (Attachment B). The legal advice has also recommended the inclusion of a sub-clause that Clause 4.6 of RLEP 2012 does not apply. However, there may be circumstances where a variation may be appropriately sought and therefore clause 4.6 should still apply.

¹ within the meaning of the Strata Scheme (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986

A map in attachment C shows which properties with existing and approved attached dual occupancies (with a valid development consent) that may be affected by this planning proposal. Note the map is based on Council's property information database and is as accurate as the day it was generated and information contained within.

It will be up to the land owner to demonstrate that they have a valid development consent that has not lapsed for their dual occupancy development to then proceed to obtain subdivision approval as intended by the planning proposal, attachment D outlines this information.

Part 3 – Justification

Section A – Need for the planning proposal

Q.1 Is the planning proposal a result of any strategic study or report?

Yes, the Council has undertaken a comprehensive review of the minimum subdivision lot size standard applicable to attached dual occupancy development in the R2 Low Density Residential zone. The findings of this review was considered by the Council at its Ordinary meeting held on 27 February 2018.

The review provided a historical overview to dual occupancy development in Randwick, a background to the relevant standards in the LEP, an overview of the strategic planning policy context, a discussion of the current situation in relation to the tightening of bank lending criteria and company title schemes, and it presented the findings of an audit of all dual occupancy development including those under company title in Randwick City.

The review also identified potential implications should the minimum subdivision lot size standard be reduced. Some of the implications identified include: streetscape impacts (more driveways, garages and impervious surfaces); increase in house prices for those dual occupancies under company title and an increase in density.

The key findings were:

- There are approximately 688 attached dual occupancies within the R2 Low Density Residential zone;
- Of the 688 attached dual occupancies, 137 are under company title schemes which equates to 20% of the total number of attached dual occupancies in the R2 Low Density Residential zone;
- It is more difficult to obtain financing for company title schemes and those attached dual occupancies under company title take longer to sell;
- The Council's provisions on minimum subdivision lot sizes for attached dual occupancy development, introduced in 2010, was a strategy at that time to curb speculative development of attached dual occupancies; and to provide for a more affordable housing type suitable for extended family and/or rental accommodation;

A copy of the report is attached in Attachment E.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to RLEP 2012 is the best means of achieving the objectives. The Low Rise Medium Density Code will only apply to new development built under the Code it will not apply to existing dual occupancies. The planning proposal will enable the subdivision of attached dual occupancy

development with an approved development consent prior to the 6 July 2018, in accordance with similar subdivision provisions as contained in Part 6 of the Low Rise Medium Density Code.

However, the Council will still consider a review of the minimum subdivision lot size in light of the new Code as part of the Local Housing Strategy.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the directions and priorities in Greater Sydney Region Plan and Eastern City District Plan. A table which assesses the consistency of the planning proposal against the directions and actions in the Greater Sydney Region Plan and district plan is in Attachment F.

Does the proposal have strategic merit? Is it:

- *Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *Consistent with a relevant local council strategy that has been endorsed by the Department; or*
- *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

The planning proposal complements the directions and actions in the Greater Sydney Region Plan and Eastern City District Plan in relation to Local Infill Development and the 'Missing Middle'. The proposal will contribute towards housing diversity by enabling the subdivision of smaller lots. In addition, the planning proposal responds to a changing environment in the planning policy area and in financial lending.

The recent introduction of the new Low Rise Medium Density Code (to commence on 6 July 2018) has created implications for the Council's initiated review of its minimum subdivision lot size. The new Code will allow for the subdivision of dual occupancies but only to those built under the Code. The new Code subdivision provisions will not apply to existing dual occupancies. This has created an inequitable situation by which those owners of existing dual occupancies cannot subdivide unless they have a total lot size of 800 sqm or more however, a lot next door may (after 6 July 2018) build and subdivide (both Torrens and Strata title) a new dual occupancy on 450sqm and more.

As such to address this paradigm, the Council has endorsed to amend its LEP to allow for the subdivision of existing dual occupancies in accordance with the same subdivision provisions in the Code that would apply to existing attached dual occupancies with a development consent issued prior to 6 July 2018.

b) Does the proposal have site-specific merit, having regard to the following:

- the natural environment (including known significant environmental values, resources or hazards) and*
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The planning proposal is consistent with the existing uses and likely future uses of land as a result of the new Low Rise Medium Density Code which will allow for the subdivision of new dual occupancies on lot sizes of 450sqm or more.

Given that the proposal seeks to apply to existing dual occupancies, the provision of services and infrastructure has already been accounted for as part of the applicable development contribution fees that would have been paid as part of the approved development application. The provision and funding of infrastructure and services in this area is outlined in Randwick City's 2015 S94A Development Contributions Plan.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes, the planning proposal is consistent with the Council's local strategic plan as it relates to development approved under the existing local strategic framework.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, the planning proposal is consistent with applicable State Environmental Planning Policies, as outlined in Attachment G.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes, the planning proposal is consistent with applicable Ministerial Directions, as outlined in Attachment H.

Section C – Environmental, social and economic impact

Q7. 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 adversely impact any critical habitats or threatened species, populations or ecological communities as the proposed amendment to RLEP 2012 applies to existing attached dual occupancy development and approved development consents only.

Q8. 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 impose any other environmental effects as the proposed amendment to RLEP 2012 applies to existing attached dual occupancy development and approved development consents only.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will assist those who with an approved and/or built attached dual occupancy including those (137) members of the community who own an attached dual occupancy under company title and who are experiencing financial hardship due to banks restricting their lending criteria for company title schemes.

The Council conducted a community forum on 27 March 2018 as part of an eight week community consultation on this issue. The forum provided the opportunity for the community to voice their concerns, suggestions and/or opinions to a panel chaired by the Mayor, Deputy Mayor, invited state MP (Mr Michael Daley MP) and council staff. The forum was independently facilitated by Sue Holliday and more than 280 people attended the event including 47 people who spoke.

Since the Council considered a notice of motion on this issue (in November 2017), there has been overwhelming interest from the community on this issue. The number of submissions received to date (as part of the consultation process) in support of a proposed change to the subdivision provisions including the number of people who attended the forum, demonstrate that the planning proposal will provide a positive social and economic impact, particularly for those members of the community who own an attached dual occupancy under company title.

A report on the outcomes of the forum is currently being drafted and will be forwarded to the Department once finalised as supporting material to the assessment of this planning proposal.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The planning proposal applies to existing attached dual occupancy development approved before 6 July 2018. The provision of existing infrastructure has already been considered and accounted for as part of the original development approval for the attached dual occupancy development. The planning proposal will not place new demands on infrastructure as the dwellings have already been built. It aims to enable the subdivision of the attached dual occupancy which currently exists under company title.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The preliminary views of the Department of Planning and Environment Regional East team was sought in relation to whether the Department would support a single amending LEP on this issue or whether the review of subdivision lot size be better to be considered as part of Councils work towards a Local Housing Strategy. Advice received from the Department (5 April 2018) noted that *'It is up to Council to decide whether to proceed with the min lot size review project prior to the local housing strategy – if Council see an immediate need to proceed then it should.'* This advice is outlined in Attachment I.

In addition, the Mayor of Randwick City and Mr Michael Daley MP met with the Minister for Planning on the 11 April 2018 to discuss this issue. At this meeting the Minister for Planning outlined his support to fast-track an amendment to Randwick LEP to address the subdivision of existing attached dual occupancies.

Part 4 – Mapping

The effect of the planning proposal is intended to be described within a local provision of the LEP. As such, no mapping changes are proposed.

Part 5 – Community consultation

Prior to preparing the planning proposal, the Council undertook its own consultation on this issue. At Council's Ordinary meeting of the 27 February 2018, the Council resolved to commence an eight week consultation programme to obtain the views of the community on whether the council should

amend the LEP provisions on subdivision in relation to attached dual occupancy development in the R2 Low Density Residential zone.

Consultation commenced on 9 March 2018 and has included:

- A dedicated YourSay webpage: <https://www.yoursayrandwick.com.au/LotSizeReview>
- An Online survey
- A fact sheet and direct mail out to all residents in the Southern and Central wards (>13,000 households)
- Advertisement in the local newspaper, Southern Courier, notifying of the consultation and how to have your say;
- A community forum which was held on 27 March 2018

Copies of the consultation material is attached in Attachment J.

While the Council resolved at an extraordinary meeting on 17 April 2018 (during this consultation process) to amend its LEP to allow for the subdivision of existing attached dual occupancies, it is intended that the consultation will continue until the 4 May 2018. A report will be considered by the Council after the consultation concludes noting the outcomes including the community forum.

These outcomes are to also be considered as part of any future consultation requirements associated with this planning proposal.

Given the extent of consultation undertaken to date, it is intended that the planning proposal be on exhibition for a minimum period of 4 weeks, and that the following range of consultation activities be undertaken:

- Online content on the Council website
- Dedicated 'Yoursay' website allowing for online consultation
- Local newspaper (including media release)
- Social media posts on Council's Facebook
- Information provided to local precincts

Part 6 – Project timeline

The following draft timeline is suggested for the Planning Proposal:

April 2018	Submission to the Department seeking gateway determination
May 2018	Gateway determination issued
June – July 2018	Public exhibition
Late July – August 2018	Report to Council post exhibition
August – September 2018	Direct DPE to finalise LEP amendment/ Legal drafting
September – October 2018	LEP amendment finalised

ATTACHMENTS

Attachment A	Report & resolution– minimum subdivision lot size and attached dual occupancy – Council extraordinary meeting 17 April 2018
Attachment B	Legal advice on the indicative wording of the proposed new clause
Attachment C	Map of existing and approved attached dual occupancies in R2 Low Density Residential Zone
Attachment D	Supporting information to land owners
Attachment E	Report & resolution— minimum subdivision lot size review - Ordinary Council meeting of 27 February 2018
Attachment F	Consistency with strategic planning directions and priorities (Greater Sydney Region Plan and Eastern City District Plan)
Attachment G	Consistency with SEPPs
Attachment H	Consistency with S117 Directions
Attachment I	Department of Planning and Environment – email correspondence 5 April 2018
Attachment J	Minimum lot size review consultation material: Factsheet, direct mail out

Director City Planning Report No. CP7/18



Subject: **Proposed amendment to
Randwick Local Environmental
Plan 2012 – Attached dual
occupancies and minimum lot
sizes.**

Folder No: F2017/00530

Author: Elena Sliogeris, Senior Environmental Planning Officer -
Strategic Planning

CP7/18

Introduction

This report seeks Council's endorsement to amend the Randwick Local Environmental Plan (RLEP) 2012 development standards relating to the minimum subdivision lot size and attached dual occupancy in the R2 Low Density Residential zone to allow for the subdivision of existing and approved dual occupancy development. It also seeks Council's endorsement to submit a draft planning proposal to the Greater Sydney Commission (GSC) for 'Gateway Determination', to proceed with an amendment to RLEP 2012.

The Council has conducted a review of the minimum subdivision lot size standard for attached dual occupancy development due to concerns from members of the community, who have entered into company title schemes for attached dual occupancies and are facing financial hardship. This has largely been brought about by limitations and/or restrictions in financing from banks to people who have entered into company title schemes.

The Minister for Planning has outlined his support to fast-track an approval for 'Gateway Determination' on this issue and requested that the Council call an Extraordinary meeting to discuss the matter. In addition, it also responds to the recent legislation announcement of the introduction of the Low Rise Medium Density Code (Code) which is to commence on 6 July 2018. This new Code will have significant implications to Council's current review of the minimum subdivision lot size provisions applicable to attached dual occupancy development in the R2 Low Density Residential zone.

The key implications are that the new Code will permit the subdivision of dual occupancies (in accordance to the new Code) as complying development on lots smaller than those currently permissible and subject to a development application under the RLEP 2012. However, the subdivision provisions under the new Code will not be applicable to existing dual occupancies including those under company title. As such, the only measure available through the local planning framework to assist those owners of existing dual occupancies wishing to subdivide in the R2 Low Density Residential zone, is to amend the RLEP 2012 via a planning proposal to bring Council's minimum subdivision provisions in line with the new Code's subdivision provisions for attached dual occupancy development.

Further detail on the planning process to amend the Local Environmental Plan and the new Code is provided below.

Background

At the 28 February Ordinary Council meeting, the Council considered a report on the findings of a review of the minimum subdivision lot size standard applicable to dual occupancy development in the R2 Low Density Residential zone. This was in response to concerns raised by some members of the community that the lending restrictions placed by banks on attached dual occupancies under company title is placing financial hardship on the owners of these properties.

At this meeting, the Council resolved to proceed with an eight week community consultation programme on this important issue to hear from the community their concerns, opinions and suggestions. Consultation is still underway until 4 May 2018 and to date, has included a direct mail out to all households in the Central and Southern wards informing of the consultation and how to have you say (via the dedicated YourSay webpage 'Minimum lot size review', by post or mail and via an online survey).

A community forum was also held on the 28 March 2018, which was independently facilitated and attended by 286 community members including 45 people who spoke at the forum. A report is to be prepared on the outcomes of the forum.

However, during the consultation process it has become apparent that there is considerable community support for allowing the subdivision of dual occupancy properties that are currently under company title. The Minister for Planning's announcement on 6 April 2018, releasing the Low Rise Medium Density Code has significant implications for the review process of the minimum subdivision lot size for attached dual occupancy development in the R2 Low Density Residential zone. It will effectively provide for small lot subdivision of dual occupancy development in the R2 Low Density Residential zone and thereby has potentially significant character implications for Council's suburbs.

Low Rise Medium Density Housing Code

The following table compares some of the key development standards for dual occupancy development under the new Code against Council's existing development standards under the RLEP 2012 and the built form controls contained in the Development Control Plan (DCP) 2013.

Table 1.1 Comparative table of dual occupancy standards – two dwellings (side by side or detached)

Development standard	Low rise medium density Code	RLEP 2012/RDCP 2013
Permissibility	Zone RU5, R1, R2 or R3 * But only where the development type is permitted under the relevant LEP	R2 - only permits attached dual occupancies R1 and R3 – both attached & detached dual occupancies are permissible
Min lot size	400m ² or min lot size specified in relevant LEP (i.e. 450m² in RLEP), whichever is greater	450m ² for attached dual occupancy in R2 low density zone
Min frontage width	12m	15m for attached dual occupancy in R2; 18m for detached dual occupancy in R3 (DCP control)

Max height	8.5m	Refer to the LEP height map: 9.5m or 12m						
No. storeys	1 or 2 storeys (only those parts of a basement with habitable rooms can be counted as a storey)	No numerical controls on number of storeys						
Max GFA	<table><tr><th>Lot area</th><th>Maximum GFA</th></tr><tr><td>400m²–2,000m²</td><td>25% of lot area + 300m²</td></tr><tr><td>>2,000m²</td><td>800m²</td></tr></table>	Lot area	Maximum GFA	400m ² –2,000m ²	25% of lot area + 300m ²	>2,000m ²	800m ²	Refer to the LEP FSR map For example: Max FSR of 0.5:1 in R2
Lot area	Maximum GFA							
400m ² –2,000m ²	25% of lot area + 300m ²							
>2,000m ²	800m ²							
Car parking	Min 1 off-street car parking space per dwelling	1 space per dwelling with up to 2 bedrooms 2 spaces per dwelling house with 3 or more bedrooms						
Subdivision	Torrens – 60% of min. subdivision lot size specified in the LEP (RLEP 400sqm = 240 sqm); Strata – strata area at ground level must be at least 180m2 (excl. common areas)	Torrens or strata – each resulting lot 400 sqm min.						

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As the table above illustrates, the new Code for dual occupancies allows a greater FSR of up to 0.9:1, whilst Council allows 0.5:1, and a lesser site frontage of 12m where Council requires 15m. Although, the new Code does have a lower maximum height of 8.5m compared to Council's LEP height limit of 9.5m. In terms of subdivision, the new Code will allow a torrens subdivision at 240sqm per lot (total site area of 480sqm) and strata if the strata area at ground level is at least 180sqm on a lot that is a minimum of 450sqm.

Proposed amendment/s to Randwick Local Environmental Plan 2012 (RLEP 2012)

The draft planning proposal to be submitted to the GSC will outline a proposed amendment to the subdivision provision/s relating to dual occupancy development in the R2 Low Density Residential zone. The intended effect of the proposed amendment is to apply to those existing and approved attached dual occupancies in the R2 Low Density Residential zone the subject of a development consent granted before 6 July 2018.

This approach would enable those existing owners of dual occupancies (including those under company title) to subdivide in accordance to the same standards as those that would apply under the Low Rise Medium Density Code and could be achieved under a much faster time frame than if Council had to review its LEP in a comprehensive manner as informed by a housing strategy. It would also enable the Council time to review and consider the current planning provisions relating to dual occupancy development and subdivision contained within the RLEP 2012 and DCP 2013 in light of the introduction of the new Code.

This analysis will also be undertaken in preparation of the upcoming Local Housing Strategy. As previously reported to the Council, Councils will be required to prepare local housing strategies that respond to housing targets set by the GSC in its Greater Sydney Region Plan and District Plans. Local housing strategies are to outline how housing growth is to be managed and what the right locations are for additional housing supply in each LGA; and will inform an update of the relevant LEP.

The Planning Proposal process

The Environmental Planning and Assessment Act 1979 (The Act) and Regulations set out the process for amending the zoning or planning provisions relating to a parcel(s) of land in NSW (rezoning). Changes to the zoning or planning provisions can only be made via a formal amendment to the Local Environmental Plan (LEP).

A Planning Proposal is the first step to commence changes to the zoning or planning provisions relating to a parcel of land. It is a formal application that sets out the objectives, intended outcomes, and justification for the proposed changes, and also details the community consultation to be undertaken.

The Council can initiate a Council led Planning Proposal through a resolution of the Council which is then forwarded to the GSC for a 'Gateway Determination'. Currently, the Department of Planning and Environment (DPE) has delegation to prepare the determination on behalf of the GSC.

The 'Gateway Determination' is essentially a checkpoint for Planning Proposals, and enables those proposals that are not well founded, or not in the public interest to be stopped early in the process, before significant resources are committed in carrying out technical studies or investigations.

Following the Gateway determination, a planning proposal is formally placed on public exhibition along with any supporting technical studies. The final LEP and accompanying maps will be made by the Minister for Planning (and notified on the NSW legislation website) in accordance with the Act. Certain LEPs which are of local significance can be finalised by Council via delegation from the Minister (this is determined at the Gateway stage).

The Minister has agreed to fast track this process as much as possible so as to provide relief for property owners of dual occupancies with company title.

Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 4:	Excellence in Urban Design and Development.
Direction 4b:	New and existing development is managed by a robust framework.
Outcome 6:	A liveable City
Direction 6d:	A strategic land use framework provides for our lifestyle changes and for a continuing, yet low rate of growth across our City
Direction 6e:	Enhance housing diversity, accessibility and adaptability to support our diverse community.

Financial impact statement

There is no direct financial impact for this matter.

Conclusion

The recent introduction of the Low Rise Medium Density Housing Code has significant implications for Council's current review on the minimum subdivision lot size standard and dual occupancy development within the R2 Low Density Residential zone. The key implication being is that the new Code will not assist those owners of existing dual occupancies (including those under company title) wishing to subdivide. The only measure currently available through the local planning framework is to amend RLEP 2012 to allow existing and approved dual occupancies to be subdivided in accordance with the relevant standards set out in the new Low Rise Medium Density Code.

As outlined in this report, the Mayor has received confirmation that the Minister for Planning will fast-track an amendment to RLEP 2012 that will allow existing company title owned dual occupancy development to be subdivided.

Recommendation

That Council:

- a) Amend the provisions under Randwick LEP 2012 in relation to the minimum subdivision lot size and attached dual occupancy development in the R2 Low Density Residential zone to allow for dual occupancy development in the R2 Low Density Residential zone that was approved prior to 6 July 2018 to be subdivided in accordance with the relevant standards contained in the Low Rise Medium Density Code;
- b) Prepare a draft planning proposal to be forwarded to the Greater Sydney Commission or its delegate requesting 'Gateway Determination' under section 3.34 of the *Environmental Planning and Assessment Act 1979*;
- c) Following 'Gateway Determination', exhibit the draft Planning Proposal in accordance with the conditions of the gateway determination and bring back a report to Council detailing the results of the community consultation for final consideration by Council;
- d) Authorise the Director, City Planning to make minor typographical, grammatical or formatting changes to the documentation.

Attachment/s:

Nil

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FOR ACTION

ORDINARY COUNCIL

17/04/2018

TO: Manager Strategic Planning (Alan Bright)

Subject: Proposed amendment to Randwick Local Environmental Plan 2012 – Attached dual occupancies and minimum lot sizes.
Target Date: 1/05/2018
Notes: Council resolution forwarded to Alan Bright for actioning.
Document No.: D03197447
Report Type: Report
Item Number: CP7/18

Note: Having previously declared an interest, Cr Bowen left the chamber (at 6.13pm) and took no part in the debate or voting on this matter.

RESOLUTION: (Said/Matson) that Council:

- a) Amend the provisions under Randwick LEP 2012 in relation to the minimum subdivision lot size and attached dual occupancy development in the R2 Low Density Residential zone to allow for dual occupancy development in the R2 Low Density Residential zone that was approved prior to 6 July 2018 to be subdivided in accordance with the relevant standards contained in the Low Rise Medium Density Code;
- b) Prepare a draft planning proposal to be forwarded to the Greater Sydney Commission or its delegate requesting 'Gateway Determination' under section 3.34 of the *Environmental Planning and Assessment Act 1979*;
- c) Following 'Gateway Determination', exhibit the draft Planning Proposal in accordance with the conditions of the gateway determination and bring back a report to Council detailing the results of the community consultation for final consideration by Council;
- d) Authorise the Director, City Planning to make minor typographical, grammatical or formatting changes to the documentation.

MOTION: (Said/Matson) CARRIED - SEE RESOLUTION.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Da Rocha	Councillor Neilson
Councillor D'Souza	
Councillor Hamilton	
Councillor Luxford	
Councillor Matson	
Councillor Parker	
Councillor Roberts	
Councillor Said	
Councillor Seng	
Councillor Shurey	
Councillor Stavrinou	
Councillor Veitch	
Total (12)	Total (1)

This action sheet has been automatically produced by Administrative Services using **InfoCouncil**, the agenda and minutes database.

Attachment B

From: Adam Seton <aseton@marsdens.net.au>
Date: 14 April 2018 at 7:00:02 am AEST
To: 'Kerry Kyriacou' <Kerry.Kyriacou@randwick.nsw.gov.au>
Subject: RE: Minimum lot size review

Dear Kerry,

I refer to your email below.

As requested, I provide hereunder a revised clause that includes provision for Torrens title subdivision in Zone R2:

“Exception for Torrens and Strata Subdivision of certain dual occupancy development

- (1) This clause applies only to a dual occupancy on a lot within Zone R2 Low Density Residential for which development consent was granted prior to 6 July 2018.*
- (2) Despite any other provision of this plan:*
 - (a) the strata subdivision (within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) of a dual occupancy to which this clause applies is permitted with development consent provided that:*
 - (i) the area of the lot to which the development consent for the dual occupancy relates is not less than 450 square metres; and*
 - (ii) one dwelling will be situated on each lot resulting from the subdivision (other than any lot comprising common property); and*
 - (iii) the subdivision does not contravene any condition of any development consent applying to the dual occupancy; and*
 - (iv) each dwelling will have lawful frontage to a public road (other than a lane); and*
 - (v) no dwelling is located behind any other dwelling on the same lot (except in the case of a corner lot or a parallel road lot); and*
 - (vi) each lot resulting from the subdivision will have a minimum width (measured at the building line) of 6m; and*
 - (vii) in the case of a dual occupancy where no part of a dwelling is located above any part of another dwelling the strata area (being the area of the ground floor of all dwellings) is not less than 180 square metres.*
 - (b) the Torrens title subdivision of a dual occupancy to which this clause applies is permitted with development consent provided that:*
 - (i) the area of each lot resulting from the subdivision is at least 240 square metres; and*
 - (ii) one dwelling will be situated on each lot resulting from the subdivision; and*

(iii) the subdivision does not contravene any condition of any development consent applying to the dual occupancy; and

(iv) each dwelling will have lawful frontage to a public road (other than a lane); and

(v) no dwelling is located behind any other dwelling on the same lot (except in the case of a corner lot or a parallel road lot); and

(vi) each lot resulting from the subdivision will have a minimum width (measured at the building line) of 6m.

(3) The terms “lane”, “building line”, “corner lot” and “parallel road lot” as used in this clause have the same meaning as provided in clause 1.5 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(4) Clause 4.6 does not apply to this clause.”

If you have any questions in relation the draft clause or wish to discuss any aspect of this matter please do not hesitate to contact me.

Regards,

Adam Seton | Partner | Accredited Specialist Local Government & Planning Law | Land & Environment Department



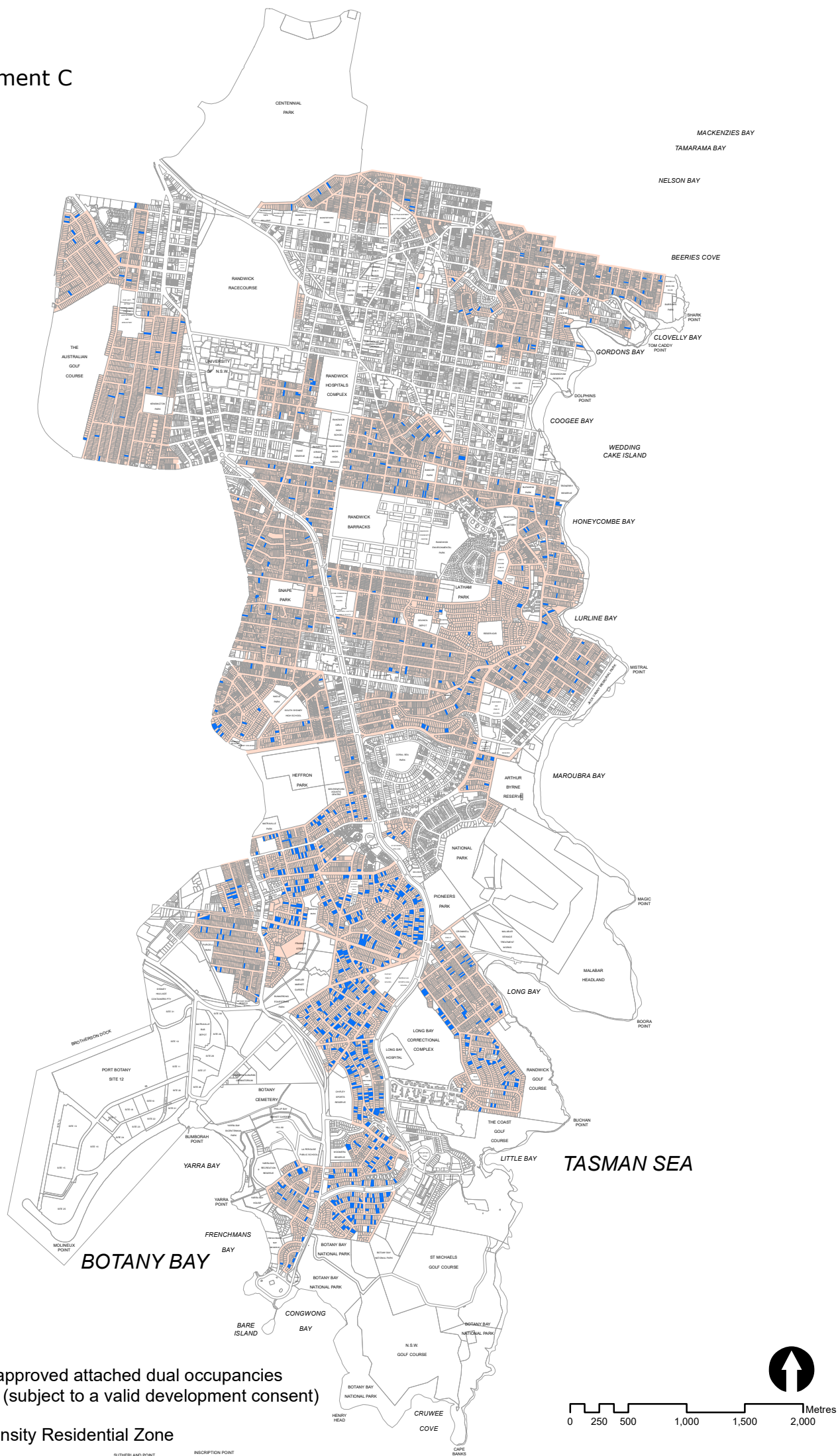
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Attachment C



Attachment D

Supporting information to land owners

To obtain subdivision approval as sought by the proposal, the land owner must, as part of the development application for subdivision to the Council, include a copy of a valid development consent that has not lapsed and was issued prior to the 6 July 2018 for the construction of an attached dual occupancy on the subject land.

This is in addition to all other information to be provided as part of a development application for subdivision. For further information visit: <http://www.randwick.nsw.gov.au/planning-and-building/planning>.

To obtain a copy of a previous development or building consent, the applicant or land owner may request to the Council, to conduct a search of its archives for records of development or building approvals in relation to a property. A copy of relevant consents will then be made available to the applicant. To request a search, a Property Search Form must be completed and submitted to the Council including payment of any fees. The request for search form can be accessed via Council's website: http://www.randwick.nsw.gov.au/_data/assets/pdf_file/0013/13900/Property-Search-Form.pdf

Director City Planning Report No. CP1/18



Subject: Minimum lot size review

Folder No: F2017/00530

Author: Elena Sliogeris, Senior Environmental Planning Officer - Strategic Planning; Asanthika Kappagoda, Senior Strategic Planner; Ting Xu, Senior Strategic Planner

Introduction

This report provides an update on analysis undertaken to date in relation to a review requested by Council, of the minimum subdivision provisions under the *Randwick Local Environmental Plan 2012* (RLEP 2012) applicable to the R2 Low Density Residential zone.

The subject review has been instigated in response to concerns raised by some members of the community that the lending restrictions placed by banks on attached dual occupancies under company title is placing financial hardship on the owners of these properties.

This report provides an outline of key findings including an overview of some implications for consideration should the minimum lot size provisions be reduced to facilitate the subdivision of attached dual occupancies in the R2 Low Density Residential zone (e.g. urban design, amenity and affordable housing impacts). It also seeks Council's endorsement of a community consultation programme on this issue. The community consultation programme is to run for two months and includes a community forum to be held in March 2018 to obtain public input on this matter.

Background

What is an attached dual occupancy?

An attached dual occupancy provides two dwellings within one building form on the one allotment of land. The dwellings may be attached by a common wall or floor/ceiling and may share a driveway, but generally all other facilities are separate. Both dwellings that comprise an attached dual occupancy generally share a similar built form.

Attached dual occupancies provide a low density housing form and when well designed and integrated can respond to the streetscape and density of low density residential zones. Attached dual occupancies are not intended to be a major provider of housing in our low density residential areas, as their cumulative impact is more significant than single dwelling housing (see section below on 'potential implications'). They are intended as a type of housing that allows for rental accommodation or to accommodate family members, contributing to housing diversity and choice in the Local Government Area (LGA).

Under the *Randwick Local Environmental Plan 2012* (RLEP 2012) attached dual occupancies are permitted in all residential zones across the LGA. In the R2 Low Density Residential zone, Torrens or Strata subdivision of an attached dual occupancy is not permitted unless the building is situated on an allotment that is 800m² or more, and the newly created lots each have at least 400sqm in land area and meet the frontage requirements under the *Development Control Plan 2013* (DCP).

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A summary of controls applicable to attached dual occupancy is provided below under Current Standards section of this report.

History of dual occupancy development in Randwick City

A comprehensive review of dual occupancy and associated subdivision provisions was undertaken in 2005, which is detailed in the *Dual Occupancy and Subdivision Issues Paper* (2005). The outcome of this review has largely informed the present day subdivision standards contained in the RLEP 2012.

By way of historical background, Randwick City was one of the first areas in Sydney to permit dual occupancy development through the gazettal of the *Randwick Planning Scheme Ordinance* (PSO) 1978. The PSO provisions were superseded by *Sydney Regional Environmental Plan* (SREP No 12) in 1987, which permitted dual occupancy (both attached and detached) where dwelling houses were permitted. The SREP 12 set out minimum site areas and development standards for dual occupancy including a minimum 400m² lot size for attached and 600m² for detached dual occupancy and an FSR of 0.6:1. The SREP 12 also permitted the strata subdivision of dual occupancy.

Following widespread concerns about poor urban design and amenity outcomes, the blanket SREP 12 provisions on dual occupancy were repealed in 1995 and councils were required to prepare residential strategies articulating how housing opportunities and choice were to be provided suitable to the context of each Local Government Area (LGA).

In 1998 the *Randwick Local Environmental Plan 1998 (Consolidation)* (RLEP 1998) introduced a 450m² minimum lot size for attached dual occupancy in the 2A Residential Low Density (now R2 Low Density Residential) zone. The provisions did not allow for the subdivision of attached dual occupancies (including Torrens and Strata subdivision) unless the building was situated on a 900m² allotment. These provisions were established to act as an investment disincentive so that attached dual occupancies were maintained for only rental or family use, to protect the amenity and streetscape character of low density residential neighbourhoods, and to minimise adverse impacts on on-street parking reduction and traffic generation.

Following the aforementioned 2005 review, the minimum lot size subdivision provisions for the R2 Low Density Residential zone were reduced to 400m², thus requiring a minimum of 800m² of land for the subdivision of an attached dual occupancy. Review outcomes considered that a reduction of the minimum lot size to 400m² would still be able to provide for a dwelling of an appropriate modern size while maintaining landscape requirements and that the number of the additional lots affected was not significant. These provisions were gazetted in 2010 under the RLEP 1998, translated across to the comprehensive *Randwick Local Environmental Plan 2012* (RLEP 2012) in 2013 and remain in force today.

Current Attached Dual Occupancy and Minimum Subdivision Development Standards

The minimum lot size for the subdivision of land in the R2 Low Density Residential zone under the RLEP 2012 is 400m². Therefore, to facilitate the subdivision of an attached dual occupancy (i.e. into Torrens or Strata), a minimum land size of 800m² would be required so that each newly created allotment meets the 400m² lot size requirement.

Subdivision of attached dual occupancy also needs to comply with the frontage width requirement under the DCP. The frontage width for a new lot is a minimum of 12m.

The following table summarises the subdivision provisions applicable to the R2 Low Density Residential zone under the RLEP 2012:

Clause No	Objectives	Relevant Provisions (Summary)
4.1 Minimum subdivision lot size	a) to minimise any likely adverse impact of subdivision and development on the amenity of neighbouring properties	400m2 minimum lot size for dwelling houses under the R2 Low Density Residential zone. 450m2 minimum lot size for attached dual occupancy in the R2 Low Density Residential zone. <i>Nb: a minimum area of 800m2 would be required for the subdivision of attached dual occupancy (Torrens).</i>
	b) to ensure lot sizes allow development to be sited to protect natural or cultural features, including heritage items, and to retain special features such as trees and views,	
	c) to ensure that lot sizes are able to accommodate development that is suitable for its purpose.	
4.1AA Minimum subdivision lot size for community title schemes	to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.	(3A) if the subdivision is of a lot on which there is a dual occupancy (attached) the size of each lot resulting from the subdivision is not to be less than 400 square metres, and 1 dwelling must be situated on each lot resulting from the subdivision.
4.1A Minimum subdivision lot size for strata plan schemes in Zone R2	(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.	(4) if the subdivision is of a lot on which there is a dual occupancy (attached): the size of each lot resulting from the subdivision is not to be less than 400 square metres, and 1 dwelling must be situated on each lot resulting from the subdivision.

Over the past five years, approximately 240 development applications (DA) were approved for dual occupancies in the R2 Low Density Residential zone. Approved dual occupancy applications make up approximately 7.6% of the total number of residential development applications approved over the past five years; and as the table below outlines, make up a very small proportion of the total residential development applications approved in Randwick City.

Table 1.1: Dual occupancy DA approvals within the R2 Low Density Residential Zone

Year	No. of DA approvals for dual occ.	Total no. of residential approvals	% dual occ. DA approvals / total no. residential DA approvals
2013	18	485	3.7
2014	39	463	8.4
2015	55	628	8.8
2016	59	591	10.0
2017	69	372	18.5
Total	240	3,167	7.6

Source: RCC Pathways property information database and DPE Greater Sydney Regional Housing Activity report (2017)

State planning policy context

The following provides a brief overview of the key state planning policies and relevant directions of the draft Greater Sydney Region Plan and draft Eastern City District Plan which have implications for this review.

Draft Greater Sydney Region Plan and Draft Eastern City District Plan

The draft Greater Sydney Region Plan – ‘Our Greater Sydney 2056’ has a 40 year vision to 2056, with specific strategies for a 20 year timeframe towards a coordinated approach in managing population growth and infrastructure delivery across the city.

The draft Eastern City District plan elaborates on the 20 year strategies in the draft Greater Sydney Region Plan, and includes specific priorities and actions for the District, including population, dwelling and employment forecasts and actions for strategic centres. Councils local planning will need to implement the District Plan’s directions and actions within three years of the district plans being made final.

Of relevance to this review, are the actions contained in the draft Greater Sydney Region Plan and draft Eastern City District Plan in relation to meeting housing targets and preparing a local housing strategy. The draft Eastern City District Plan sets a 0-5 year housing target of an additional 2,250 new dwellings by 2021 and a 20 year strategic housing target for the District for an additional 157,500 new dwellings to meet projected population growth.

Councils will be required to prepare local housing strategies that respond to housing targets set by the Greater Sydney Commission. Local housing strategies are to outline how housing growth is to be managed and what the right locations are for additional housing supply in each LGA; and will inform updates of LEPs. The draft Eastern City district plan outlines key aspects the local housing strategies will need to respond to including for example, housing need and diversity, infrastructure provision and good design.

Council’s submission to the draft Greater Sydney Region Plan and draft Eastern City District Plan noted that Council was on track to meet the 0-5 year housing target based on known and approved development projects and existing development capacity under the local planning framework. However, Council will need to begin work on a local housing strategy to inform the 6-10 year housing target and to contribute to the 20-year strategic housing target for the district, as required by the Greater Sydney Region Plan and district plan.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The Affordable Rental Housing SEPP (2009) (ARHSEPP) makes permissible secondary dwellings or ‘granny flats’ at a maximum size of 60sqm within all residential zones (but only where dwelling houses are permissible) either attached to the principal dwelling, located within the principal dwelling or separate from the principal dwelling, on lot sizes of 450 sqm and greater as either complying development or as a development application; and prohibits subdivision. The inability to subdivide and restricting the size of the secondary dwellings are measures aimed to deliver affordability.

Prior to the introduction of the ARHSEPP in 2009, the only form of secondary dwelling that was permissible in Randwick City was in the form of dual occupancies (attached and detached) on lot sizes of 450sqm or greater. The intent being to provide affordable family housing to extended families and to contribute to housing diversity in the R2 Low Density Residential zone.

Since the introduction of the ARHSEPP (in 2009), two types of secondary dwellings are now permissible in Randwick City:

- i) at 60sqm as prescribed by the ARHSEPP; and
- ii) as larger family accommodation via dual occupancies as prescribed by Randwick LEP 2012.

The inability to subdivide secondary dwellings and/or to limit the subdivision of attached dual occupancies under Randwick LEP 2012 is an investment disincentive, with the intention that this leads to a more affordable housing choice to mainly rent and allow families to stay together. The implication of allowing subdivision on smaller lots in relation to housing affordability is discussed in more detail under 'potential implications for reducing minimum lot sizes'.

Draft Medium Density Housing Code

In 2015/16 the Department of Planning and Environment (DPE) released an 'Options Paper' on expanding complying development to cover medium density housing types such as dual occupancies, townhouses and terraces and manor homes, also known as the 'missing middle'. Following the exhibition of the options paper, the Department later released a design guide and code which outlined proposed development standards for the proposed medium density housing types including attached dual occupancies.

The key implication of the proposed code is that it permits attached dual occupancies on lot sizes of 400sqm and enables the subdivision (torrens and strata) of these lots to 200sqm individual lots as complying development, but only where it is permissible in the LEP. Based on a desktop analysis of lot size in the R2 Low Density residential zone this could hypothetically make (based on lot size only) 10,585 lots eligible for dual occupancy development including subdivision in our low density zone (assuming also the Draft Medium Housing Code made subdivision permissible).

The potential cumulative impacts of increased density through the permissibility of dual occupancies particularly in the lower density residential areas, are significant given that these areas are less accessible to services and transport. These impacts are discussed in more detail below under the section 'key implications' of this report. Based on this, Council outlined in its submission to the DPE on the draft Medium Density Housing Code that it did not support the permissibility of the medium density housing types as complying development in the R2 Low Density Residential zone.

Some of the key points raised in Councils submission to the exhibition of the draft Medium Density Housing Code include:

- the potential to significantly alter the streetscape "character" of the area and has the potential for widespread land fragmentation.
- Community backlash to increasing density 'by stealth' through the permissibility of medium density housing types as complying development.
- Pressure on existing infrastructure, Council services and parking provision, in an area which is typically less accessible to transport and services.

The proposed code is under consideration by the Department.

Minimum Lot Size Review 2017/18

Over recent years, some members of the community have raised concern that the subdivision standards pertaining to the R2 Low Density Residential zone are precluding the Torrens or Strata subdivision of attached dual occupancy development.

This has largely been brought about by limitations and/or restrictions in financing from banks to people who have entered company title schemes. Company title is a form of ownership that entails that a company owns the building and land that it occupies and is governed and regulated by the Corporations Act 2001 (Commonwealth). Owners do not own a title, but rather a 'share' into the company that owns the title. The elected Board of Directors of the company must approve prospective share owners to enable settlement, sale to be completed and the share transfer to be registered. In contrast, under a Strata title scheme, individual 'lots'

(e.g. apartments, townhouses etc) are privately owned, with the owners collectively owning the shared common property (eg. party walls).

As highlighted above, under the current provisions, only properties over 800m² may be subdivided into Strata or Torrens title lots (to meet the 400m² lot size control). Consequently, a number of attached dual occupancies built on smaller allotments (some as low as 450m²) have been subject to Company Title, which does not require Council approval under a Development Application process or the issuing of a subdivision certificate.

As such, in response to limitations in lending by banks to properties held under Company Title schemes, it has been reported that attached dual occupancies under company title are selling more slowly than Strata or Torrens titled properties due to difficulties potential buyers are facing to secure finance.

Given these issues Council considered a Motion Pursuant to Notice and subsequently resolved:

RESOLUTION: (Parker/Matson) that:

(a) Council commence a review of the minimum subdivision lot size standard in the R2 zone and bring back a report detailing the implications of reducing the minimum lot size and the process required to amend the Randwick LEP 2012;

(b) Council establish a register of existing attached dual occupancies under company title;

(c) Council conduct a forum chaired by either the Mayor or Deputy Mayor and invite the State Members Ron Hoenig, Bruce Notley-Smith and Michael Daley as well as the Federal Member Matt Thistlethwaite, to hear from the community on this significant issue;

(d) the review consider the directions and planning priorities in the Greater Sydney Commission Eastern City District Plan;

(e) the review also consider the objectives and strategies of the Greater Sydney Plan and its potential relationship and integration with a new Randwick LEP.

Background research

To help inform the review, two key data gathering exercises were undertaken:

- i. a lot size analysis of all lots within the R2 Low Density Residential zone according to suburb; and
- ii. to identify attached dual occupancies including those under company title in the R2 Low Density Residential zone.

The following outlines the results of the analysis.

Lot size analysis

The table below outlines the number of lots within the R2 Low Density Residential zone according to lot size. From this table, it is evident that lot sizes to the north of the city (i.e in the suburbs of Randwick and Clovelly) are smaller compared to the suburbs within the southern city (i.e Chifley and Little Bay). Kensington has a higher average lot size when compared to the adjoining suburbs of Kingsford and Maroubra however this can be attributed to the heritage overlays which apply to most of the suburb.

Table 1.2: Lot size analysis in the R2 Low Density Residential zone

R2 zone d land	Suburb s	Av. lot size	Number of lots								TOTAL
			< 200	[200, 400)	[400, 450)	[450, 500)	[500, 600)	[600, 700)	[700, 800)	>=800	
North	Randwick	397	84	943	264	128	147	117	42	56	1781
	Clovelly	364	35	676	73	88	73	32	5	12	994
	Coogee	475	2	303	70	86	126	79	35	42	743
	South Coogee	470	6	348	98	126	230	106	32	26	972
	Kensington	663	3	84	25	47	246	415	47	26	893
	Kingsford	437	24	954	409	276	308	79	65	35	2150
Central	Maroubra	428	16	2468	488	595	749	345	133	92	4886
South	Chifley	576	1	86	22	67	311	306	60	25	878
	Little Bay	571	0	52	12	29	235	160	32	16	536
	La Perouse	476	0	23	20	10	22	10	3	0	88
	Malabar	522	3	169	65	166	316	156	36	25	936
	Matraville	566	0	195	129	310	803	372	139	63	2011
	Philip Bay	567	0	12	28	81	30	28	8	17	204
TOTAL		501	174	6,313	1,703	2,009	3,596	2,205	637	435	17,072

Source: RCC (2018) GIS cadastre

Based on the above analysis, the number of lots eligible for subdivision under Councils' existing minimum subdivision lot size requirement (of 800 sqm) would equate to approximately 435 lots. If the minimum lot size be reduced further to 700sqm, approximately 1,072 lots would be eligible for torrens or strata subdivision; and reducing the minimum lot size to 400sqm (comparable to the minimum lot size proposed under the draft Medium Density Housing Code) results in approximately more than 10,500 lots eligible for torrens or strata subdivision, assuming all other conditions are met. This is summarised in the table below.

Table 1.3: Number of lots eligible for subdivision based on lot size only

Min. lot size	No. of lots eligible for subdivision (torrens or strata)
Current controls (800m ² before subdivision)	435 lots eligible for torrens or strata subdivision
If reduced to 700m ²	1,072 lots eligible for torrens or strata subdivision
If reduced to 600m ²	3,777 lots eligible for torrens or strata subdivision
If reduced to 500m ²	6,873 lots eligible for torrens or strata subdivision
If reduced to 400m ²	10,585 lots eligible for torrens or strata subdivision

Source: RCC (2018) GIS cadastre

Dual occupancy (attached) audit

The following table and map outlines the number and distribution of dual occupancies (attached) within the R2 Low Density Residential zone across the entire LGA. The audit identified dual occupancies which are built and occupied. It did not account for those dual occupancies which may have a development application approval and/or construction certificate but had not been completed and/or a final occupation certificate had been issued.

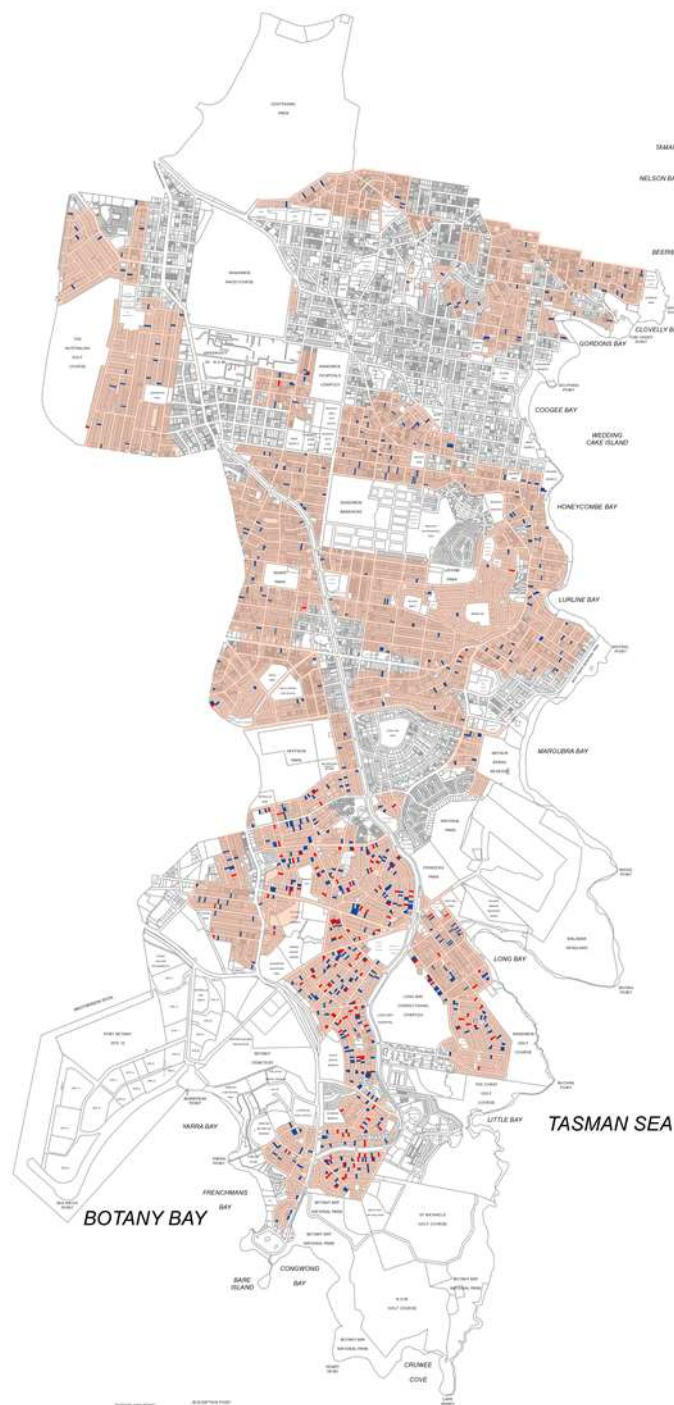
The audit also looked at the title of the property to identify those properties under company title. From the table and map below, the audit identified 688 dual occupancies in the R2 Low Density Residential zone, the majority of which are located to the south of the city including those under company title (at 24%).

In total, the analysis identified that 20% of all dual occupancies within the R2 Low Density Residential zone are under company title. The remaining 60% of dual occupancies are under a single title (i.e torrens) with a further 20% under strata title.

Table 1.4: Dual Occupancy audit within R2 Low Density Residential Zone

Randwick City	Suburbs	Number of dual occ.	Number of dual occ. under company title	% of all dual occ under company title
North	Randwick	39	1	3%
	South Coogee	25	1	
	Clovelly	20		
	Coogee	20		
	Kensington	17		
	Kingsford	33	2	
Central	Maroubra	87	4	5%
South	La Perouse	4		24%
	Little Bay	60	23	
	Malabar	64	17	
	Matraville	175	45	
	Phillip Bay	17	1	
	Chifley	127	43	
Total in the City		688	137	20%

Source: RCC (2018) Pathways property information database



Legend

- Company titled dual occupancies in R2
- Dual occupancies in R2
- Low Density Residential Zone R2

Figure 1.1: Distribution map of dual occupancies in the R2 Low Density Residential zone within Randwick City
 Source: RCC Pathway (2018) Property Information database

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The majority of the dual occupancies under company title have lot sizes between 500-700sqm as shown in the table below.

Table 1.5: Audit of dual occupancy under company title according to lot sizes in R2 Low Density Residential zone

No. of company titled dual occupancy lots	450~500 m ²	500~550 m ²	550~600 m ²	600~700 m ²	700~800 m ²	>=800m ²
	7	15	41	51	21	2
Total	137					

Looking more broadly across the entire R2 Low Density Residential zone (which contains more than 17,000 residential lots), dual occupancies make up only 4% of the housing stock within the R2 low density zone; and those under company title only 0.8% of the total residential lots within the R2 Low Density Residential zone. As such, the analysis illustrates that the focus of this review, being attached dual occupancies under company title, make up a very small proportion of all lots within the residential zone.

Table 1.6: Proportion of lots in R2 Low Density Residential Zone including those under company title

R2 Zone	No. lots in R2	No. dual occ in R2	% of all lots that are dual occ	% of all lots that are company titled dual occ
North	7533	154	2%	0.05%
Central	4886	87	2%	0.08%
South	4653	447	10%	2.77%
Total	17,072	688	4%	0.80%

Source: RCC Pathway (2018) Property Information database

Other comparable council standards

In undertaking this review, a desktop review of other comparable council standards on minimum subdivision lot size controls and attached dual occupancies was also undertaken. The following table outlines key standards of adjoining council standards and that of Willoughby Council who have established dual occupancy provisions.

As the table below illustrates, the standards on minimum lot size and dual occupancy vary. Both the City of Sydney and Bayside Councils (in relation to the former Botany Council area) do not contain standards on minimum subdivision lot size for dual occupancies. In comparison, Willoughby's dual occupancy provisions contains a control which prohibits the subdivision of a dual occupancy until five years after an occupation certificate has been issued.

Council	Relevant LEP	Permissibility of dual occupancy in R2	LEP Min. lot size for erection of dual occupancy	LEP Min. subdivision lot size
Bayside	Botany Bay LEP 2013	Dual occupancy prohibited in R2	Nil	Nil <i>Note: The DCP contains some general provisions relating to torrens, strata and community subdivision (no numerical controls for minimum lot size).</i>
Waverley	Waverley LEP 2012	Dual occupancy (both attached & detached) permissible in R2	No relevant LEP provisions, but contained in the DCP. <i>DCP controls</i> 1.5 Dual Occupancy Development (Part C) 450m² for erection of attached dual occupancy 600m² for erection of detached dual occupancy	<u>C14.1</u> For zone R2, the size of any lot resulting from subdivision is either 325m ² or 500m ² (depending on the locations). This requirement however does not apply to strata or community title schemes.
City of Sydney	Sydney LEP 2012	Dual occupancy (both attached & detached) permissible in R2	Nil	Nil <i>Note: The DCP contains some general provisions relating to subdivision (no numerical controls for minimum lot size).</i>
Willoughby	Willoughby LEP 2012	Dual occupancy (both attached & detached) permissible in R2	<u>C16.10</u> 700m² for erection of attached dual occupancy in R2 900m² for erection of detached dual occupancy in R2 5000m² for erection of a dual occupancy on the Dual Occupancy Restriction Map.	<u>C14.1</u> For zone R2, the size of any lot resulting from subdivision varies depending on the locations, being 550 m ² , 650 m ² , 740 m ² , 835 m ² , 1500 m ² , 2500 m ² , 4000 m ² , 8000 m ² , and 1.4ha. This requirement however does not apply to strata or community title schemes. <u>C14.1C</u> Subdivision of a lot on which there is an existing dual occupancy is permitted only if: - the lot is not on the Dual Occupancy Restriction Map; - the size of each lot resulting from the subdivision is at

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Council	Relevant LEP	Permissibility of dual occupancy in R2	LEP Min. lot size for erection of dual occupancy	LEP Min. subdivision lot size
				least 350m ² ; - each of the resulting lots will have one of the dwellings on it, - the FSR of each dwelling does not exceed 0.4:1 or FSR shown on the FSR map for the lot, whichever is lesser, and - a final occupation certificate was issued for the dual occupancy at least 5 years before the consent for the subdivision is granted.

Key Implications of Reducing Minimum Lot Size

The existing RLEP 2012 minimum lot size subdivision have been established following a comprehensive analysis and careful consideration of the urban form and character of R2 Low Density Residential zoned areas across our City, including the subdivision pattern, topography, accessibility to centres and public transport, streetscape, and environmental and amenity impacts on adjoining neighbours.

The provisions in their current form allow for the reasonable provision of attached dual occupancy in the low density suburbs of Randwick City. They provide a balance of incentive and restriction so that density is not spread broadly throughout the low density residential suburbs and that reasonable opportunities for this form of housing can still be provided where a good standard of design can be met and adverse amenity impacts are capable of being minimised.

A major impact of reducing the minimum lot size for subdivision for both Torrens and Strata is that it would incentivise the development of attached dual occupancies, leading to a likely substantial increase in this housing typology in the R2 Low Density Residential zone. The cumulative impacts of this level of attached dual occupancy development would have the following implications on our low density suburbs:

- Housing diversity and choice:** A reduction in the minimum lot size for subdivision would further encourage development speculation and the likely proliferation of attached dual occupancies at the expense of other low density housing forms. A substantial increase in an attached dual occupancy typology is thus likely to impact upon housing choice and diversity in the low density residential areas. It is important to note that attached dual occupancies are only one form of housing form and were never intended to be the dominant building typology in the R2 Low Density Residential zone.
- Land fragmentation:** An increase in the development of attached dual occupancy developments resulting from reduced subdivision requirements may exacerbate land fragmentation by setting a precedent for smaller allotments. This in turn would change the subdivision pattern and open character of our low density residential areas.

- **Affordable Housing:** As noted in this report, a benefit of the current provisions is that attached dual occupancy held under the one title allows for one dwelling to be rented and/or kept within the family. Attached dual occupancies thus provide an affordable rental option in the R2 Low Density Residential zone. Reducing the minimum requirements for subdivision is likely to result in the construction and subdivision of more attached dual occupancy sites (into Torrens or Strata). This in turn has implications on the stock of affordable rental housing in the low density suburbs. This issue is pertinent given the prevailing housing affordability issues affecting the LGA.
- **On-street parking and traffic generation:** A substantial increase in attached dual occupancy would have implications on on-street parking availability and traffic generation. Attached dual occupancies involve two rather than one households and therefore with each new development, often two driveways are required, resulting in a net loss of one on-street parking space per development or alternatively, one wider driveway when garages are joined. Similarly, the subsequent growth in dwelling numbers would contribute to an increase in traffic generation in low density areas. This is pertinent as the majority of low density zoned sites are situated in the southern suburbs which are not well serviced by frequent public transport, with households generally relying on private transportation.
- **Streetscape Impacts:** An increase in development that additional subdivided allotments would generate, may have detrimental impacts on aesthetics, amenity and streetscape character. Intensification of built form, doubling of capacity and reduced openness (that is otherwise afforded by single dwellings on individual allotments) compounded with the dominance of garages and driveways all have the potential to adversely affect streetscape aesthetics and visual amenity.
- **Infrastructure Capacity:** While attached dual occupancies may be similar in scale to a single dwelling house, they pose greater potential impacts due to higher occupancy rates on the same parcel of land. Existing low density residential areas affected by change to the minimum subdivision provisions may not have the existing soft and hard infrastructure to support population intensification associated with increased density (e.g. road networks, public transport, schools and childcare). This issue requires further analysis, in the context of growth more broadly across all land use zones.
- **Local Housing Strategy:** Council is required to prepare a Local Housing Strategy to meet district planning targets indicated in the draft Eastern City district plan. The Strategy will identify opportunities to increase housing supply as well as improving housing mix, affordability and availability to meet diverse needs of our community. A comprehensive housing study would take into careful consideration the unique character, amenity and infrastructure needs of our diverse areas. Reducing the minimum subdivision standards in the R2 Low Density Residential zone prior to the Housing Strategy being developed is an ad hoc and a piecemeal approach to strategic planning. Significantly, the reduction of subdivision requirements may lock out longer term development potential in many areas.

Community consultation programme

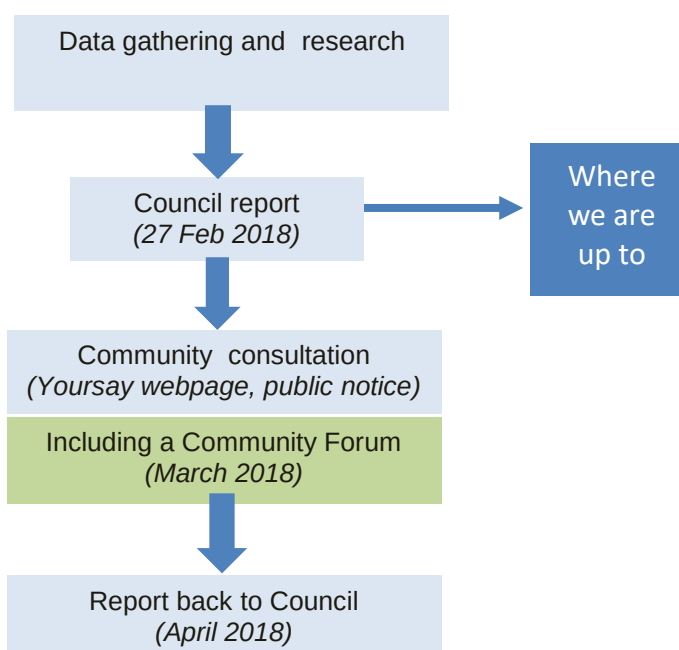
It is proposed that Council undertake a community consultation programme over an 8-week period to seek the views of the community on this issue. Key consultative actions and events are to include:

- a dedicated 'yoursay webpage' providing the opportunity for residents to upload a submission and/or register to speak at the community forum/ public hearing;

- a public hearing/ forum, to be held in March to enable the Council and invited State and Federal MPs to hear the concerns of the community on this issue.

Given the issue is of local planning significance, there is a question around the value of having the community forum with invited State MP's. There are many other community engagement tools available that can achieve the same if not better results.

Following the public hearing, the council officers will report back to the Council on the outcomes of the consultation including any key recommendations. The flow chart below outlines the key steps of the consultation programme including timeframe.



Process of amending RLEP 2012

The resolution of Council which initiated this review also sought that council officers *'... bring back a report detailing the implications of reducing the minimum lot size and the process required to amend the Randwick LEP 2012'*.

The following outlines the planning proposal process.

The Environmental Planning and Assessment Act 1979 (The Act) and Regulations set out the process for amending the zoning or planning provisions relating to a parcel(s) of land in NSW (rezoning). Changes to the zoning or planning provisions can only be made via a formal amendment to the Local Environmental Plan (LEP).

A Planning Proposal is the first step to commence changes to the zoning or planning provisions relating to a parcel of land. It is a formal application that sets out the objectives, intended outcomes, and justification for the proposed changes, and also details the community consultation to be undertaken.

Council can initiate a Council led Planning Proposal through a resolution of the Council which is then forwarded to the Minister for Planning for a 'Gateway Determination'. The 'Gateway Determination' is essentially a checkpoint for Planning Proposals, and enables those proposals that are not well founded, or not in the public interest to be stopped early in the process, before significant resources are committed in carrying out technical studies or investigations.

The Minister's 'Gateway Determination' will stipulate whether the Planning Proposal should proceed, whether it needs to be resubmitted, the timeframe for its completion (usually nine months from the date of the Determination), the community consultation and State/Commonwealth agency requirements and whether a public hearing is needed.

Following the Gateway Determination, a Planning Proposal is formally placed on public exhibition for comment. The final LEP and any accompanying maps which amend the Council's principal planning instrument (i.e. the RLEP 2012) are made by the Minister for Planning (and notified on the NSW legislation web site) in accordance with the Act. Certain LEPs which are of local significance can be finalised by Council via delegation from the Minister (this is determined at the gateway stage).

It is important to note that a Planning Proposal is a separate process to a DA. A Planning Proposal involves Council's resolution to commence a process to amend the LEP, whereas a DA seeks Council's consent to enable a development to proceed.

In the circumstance that a Planning Proposal is supported, resulting in amendments to an LEP, a DA for subdivision based on the new standard would not be able to be determined by Council until the amendment to RLEP 2012 comes into effect. The process of amending the LEP would take in excess of 12 months.

However, it is important to note that, even if the Council did resolve to amend the LEP to change the minimum lot size standards in the R2 Low Density Residential zone, the DPE may not support a planning proposal which seeks to amend the LEP on a single development standard in isolation of a wider comprehensive housing strategy.

Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 4	Excellence in Urban Design and Development
Direction 4b	New and existing development is managed by a robust framework
Outcome 6	A liveable City
Direction 6d	A strategic land use framework provides for our lifestyle changes and for a continuing, yet low rate of growth across our City
Direction 6e	Enhance housing diversity, accessibility and adaptability to support our diverse community.

Financial impact statement

There is no direct financial impact for this matter.

Conclusion

This report responds to a resolution of Council which sought a review of minimum lot sizes in the R2 Low Density Residential zone. It provides an overview of minimum lot size subdivision standard and attached dual occupancy development in Randwick City including those under company title. The analysis demonstrates that attached dual occupancy development contributes a relatively small proportion towards the housing diversity and stock of Randwick City's R2 Low Density Residential zone.

The potential implications of reducing minimum lot size in relation to attached dual occupancy development, as outlined in this report is significant. Increasing density in areas that are not as accessible to public transport and services is contradictory to metro and district planning directives. As the analysis demonstrated, any changes to

minimum lot sizes within the R2 Low Density Residential zone will be most felt in Randwick's southern suburbs.

Based on this, this report urges that a precautionary approach be undertaken towards a review of minimum lot sizes and that any potential changes to minimum lot size be considered as part of a wider housing strategy for the LGA, as required by the Draft Greater Sydney Region Plan and draft Eastern City District Plan.

Recommendation

That Council:

- a) endorse a two month community consultation programme on the review of the minimum lot size standard and;
- b) a report be prepared outlining the outcomes of the consultation programme and any key recommendations with respect to changing the minimum lot size standard and the controls relating to attached dual occupancies in the R2 zone.

Attachment/s:

Nil

FOR ACTION

ORDINARY COUNCIL

27/02/2018

TO: Manager Strategic Planning (Alan Bright)

Subject: Minimum lot size review
Target Date: 13/03/2018
Notes: Please action or reassign the Council resolution
Document No.: D03143928
Report Type: Report
Item Number: CP1/18

Note: Having previously declared an interest, Cr Bowen left the Chamber, taking no part in the debate or voting on this matter.

RESOLUTION: (Matson/Neilson) that Council:

- a) endorse a two month community consultation program on the review of the minimum lot size standard; and
- b) a report be prepared outlining the outcomes of the consultation programme and any key recommendations with respect to changing the minimum lot size standard and the controls relating to attached dual occupancies in the R2 zone.

MOTION: (Matson/Neilson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

AMENDMENT: (D'Souza/Da Rocha) that Council:

- a) endorse a two month community consultation program on the review of the minimum lot size standard; and
- (b) ensures that the community consultation process include consideration of the following four options:
 - Option 1 - no minimum lot size standard;
 - Option 2 - the minimum lot size standard be reduced to 600sqm;
 - Option 3 - the minimum lot size standard be reduced to 550sqm; and
 - Option 4 - there be no change to the minimum lot size standard. **LOST.**

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Da Rocha	Councillor Bowen
Councillor D'Souza	Councillor Hamilton
Councillor Said	Councillor Luxford
	Councillor Matson
	Councillor Neilson
	Councillor Parker
	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Stavrinou
	Councillor Veitch
Total (3)	Total (11)

[Open Item in Minutes](#)

This action sheet has been automatically been produced by Administrative Services using **InfoCouncil**, the agenda and minutes database.

Attachment F

Consistency with directions and priorities in the Greater Sydney Region Plan and District Plan

Greater Sydney Region Plan - Directions	Eastern City District Plan – Priorities	Planning Proposal Response
1 Infrastructure supporting new developments	Planning Priority E1 Planning for a city supported by infrastructure	The draft planning proposal applies to existing dual occupancies only. Any future subdivision of these existing housing stock would not create demand for new/additional infrastructure.
2 Working together to grow a Greater Sydney	Planning Priority E2 Working through collaboration	N/A
3 Celebrating diversity and putting people at the heart of planning	Planning Priority E3 Providing services and social infrastructure to meet people's changing needs	N/A
	Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	N/A
4 Giving people housing choices	Planning Priority E5 Providing housing supply, choice and affordability with access to jobs, services and public transport	Consistent. The draft planning proposal is to enable subdivision of existing dual occupancies on small lots to help resolve financial issues as a result of limitations in lending placed by banks for such development. This will ensure that existing dual occupancies continue to meet housing needs/preferences of various groups, contributing to housing diversity and the overall housing supply.
5 Designing places for people	Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage	N/A
6 Developing a more accessible and walkable city	Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city	N/A
7 Creating the conditions for a stronger economy	Planning Priority E7 Growing a stronger and more competitive Harbour CBD	N/A
	Planning Priority E8 Growing and investing in health and education precincts and the Innovation Corridor	N/A

Greater Sydney Region Plan - Directions	Eastern City District Plan – Priorities	Planning Proposal Response
	Planning Priority E9 Growing international trade gateways	N/A
	Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres	N/A
	Planning Priority E12 Retaining and managing industrial and urban services land	N/A
	Planning Priority E13 Supporting growth of targeted industry sectors	N/A
8 Valuing green spaces and landscape	Planning Priority E14 Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways	N/A
	Planning Priority E15 Protecting and enhancing bushland and biodiversity	N/A
	Planning Priority E16 Protecting and enhancing scenic and cultural landscapes	N/A
	Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections	N/A
	Planning Priority E18 Delivering high quality open space	N/A
9 Using resources wisely	Planning Priority E19 Reducing carbon emissions and managing energy, water and waste efficiently	N/A
10 Adapting to a changing world	Planning Priority E20 Adapting to the impacts of urban and natural hazards and climate change	N/A
Implementation	Planning Priority E21 Preparing local strategic planning statements informed by local strategic planning	N/A
	Planning Priority E21 Monitoring and reporting on the delivery of the Plan	N/A

Attachment G

Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Comment
SEPP No 1—Development Standards	Consistent. This draft planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP No 19—Bushland in Urban Areas	N/A
SEPP No 21—Caravan Parks	N/A
SEPP No 30—Intensive Agriculture	N/A
SEPP No 33—Hazardous and Offensive Development	N/A
SEPP No 36—Manufactured Home Estates	N/A
SEPP No 44—Koala Habitat Protection	N/A
SEPP No 47—Moore Park Showground	N/A
SEPP No 50—Canal Estate Development	N/A
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No 55—Remediation of Land	Consistent. This draft planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP No 62—Sustainable Aquaculture	N/A
SEPP No 64—Advertising and Signage	N/A
SEPP No 65—Design Quality of Residential Apartment Development	N/A
SEPP No 70—Affordable Housing (Revised Schemes)	N/A
SEPP (Affordable Rental Housing) 2009	N/A
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. This draft planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Coastal Management) 2018	N/A
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A
SEPP (Exempt and Complying Development Codes) 2008	Consistent. The proposed LEP provisions supplement the state government's new Low Rise Medium Density Housing Code to allow for subdivision of existing dual occupancies on small lots (subject to specific standards). This draft planning proposal does not contain provisions that contradict or would hinder the application of the Codes SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent. This draft planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Infrastructure) 2007	Consistent. This draft planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Integration and Repeals) 2016	N/A
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	N/A

State Environmental Planning Policy (SEPP)	Comment
SEPP (Kurnell Peninsula) 1989	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A
SEPP (Miscellaneous Consent Provisions) 2007	Consistent. This draft planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Penrith Lakes Scheme) 1989	N/A
SEPP (Rural Lands) 2008	N/A
SEPP (State and Regional Development) 2011	Consistent. This draft planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (State Significant Precincts) 2005	Consistent. This draft planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	N/A
SEPP (Sydney Region Growth Centres) 2006	N/A
SEPP (Three Ports) 2013	N/A
SEPP (Urban Renewal) 2010	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	N/A
SEPP (Western Sydney Employment Area) 2009	N/A
SEPP (Western Sydney Parklands) 2009	N/A

Attachment H

Consistency with s.117 directions

No.	Direction	Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	N/A
1.2	Rural Zones	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	N/A
2. Environment and Heritage		
2.1	Environment Protection Zones	N/A
2.2	Coastal Management	N/A
2.3	Heritage Conservation	Consistent. This draft planning proposal does not impact on items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
2.4	Recreation Vehicle Areas	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	Consistent. This draft planning proposal provides for diverse housing to meet existing and future housing needs.
3.2	Caravan Parks and Manufactured Home Estates	N/A
3.3	Home Occupations	Consistent. This draft planning proposal does not contradict or hinder application of the home occupation provisions in Randwick LEP 2012.
3.4	Integrating Land Use and Transport	N/A
3.5	Development Near Licensed Aerodromes	Consistent. This draft planning proposal does not contradict or hinder application of airspace operations provisions in Randwick LEP 2012.
3.6	Shooting Ranges	N/A
4. Hazard and Risk		
4.1	Acid Sulfate Soils	Consistent. This draft planning proposal does not contradict or hinder application of acid sulfate soils provisions in Randwick LEP 2012.
4.2	Mine Subsidence and Unstable Land	N/A
4.3	Flood Prone Land	Consistent. This draft planning proposal does not contract or hinder application of flood

No.	Direction	Comment
		planning provisions in Randwick LEP 2012.
4.4	Planning for Bushfire Protection	N/A
5. Regional Planning		
5.1	Implementation of Regional Strategies	N/A
5.2	Sydney Drinking Water Catchments	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A
5.8	Second Sydney Airport: Badgerys Creek	N/A
5.9	North West Rail Link Corridor Strategy	N/A
5.10	Implementation of Regional Plans	N/A
6. Local Plan Making		
6.1	Approval and Referral Requirements	Consistent. This draft planning proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. This draft planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site Specific Provisions	N/A
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Consistent. This draft planning proposal is aligned with the directions and objectives of the Region Plan - A Metropolis of Three Cities; and does not contradict or hinder application of the Region Plan.

No.	Direction	Comment
7.2	Implementation of Greater Macarthur Land Release Investigation	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A

Attachment I

From: Carina Lucchinelli <Carina.Lucchinelli@planning.nsw.gov.au>
Sent: Thursday, 5 April 2018 12:09 PM
To: Elena Sliogeris
Cc: Charlene Nelson; Amanda Harvey
Subject: RE: Randwick City Council Minimum lot size review

Hi Elena,

Thanks for your email.

Charlene will not be in the office for the rest of the week, but I can assist with your queries.

It is up to Council to decide whether to proceed with the min lot size review project prior to the local housing strategy – if Council see an immediate need to proceed then it should.

In relation to the Draft Medium Density Housing Code, at this point we do not have an update with timing. The proposal and feedback are still being considered by the new Minister. It's a matter of watching this space at present.

Any updates will be posted [here](#) as they become available. I will also endeavour to let you know once I have any further information.

The draft Medium Density controls only allow medium density where it is currently permitted under a Council LEP. Therefore if the council LEP zoning does not permit dual occupancies and their subdivision, it will not be able to be carried out under the proposed medium density controls.

I hope this helps. Please let me know if you require any further clarification.

Regards,
Carina

Carina Lucchinelli
Senior Planning Officer
Sydney Region East
320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 9274 6563



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From: Elena Sliogeris [<mailto:Elena.Sliogeris@randwick.nsw.gov.au>]
Sent: Wednesday, 4 April 2018 4:35 PM
To: Amanda Harvey <Amanda.Harvey@planning.nsw.gov.au>; Charlene Nelson
<Charlene.Nelson@planning.nsw.gov.au>

Cc: David Ongkili <David.Ongkili@randwick.nsw.gov.au>

Subject: Randwick City Council Minimum lot size review

Hi Amanda and Charlene

Hope all's well. At our last catch up meeting we provided an update on our minimum lot size review project. The consultation programme on the review is well underway and last week the Council hosted a community forum on the issue. We will be preparing a report to the Council on the outcomes of the consultation including next steps. Based on this we're seeking feedback from the Department on whether a standalone planning proposal to amend the principal LEP on this single standard would be supported or whether this would be better to be considered as part of our upcoming local housing strategy?

I'd really appreciate your feedback by the end of the week including if you have any updates on the status of the proposed 'Missing Middle' SEPP?

Many thanks

Elena Sliogeris

A/Coordinator Strategic Planning

Randwick City Council

02 9093 6961 (please note new number)

(Wednesdays to Fridays)

elena.sliogeris@randwick.nsw.gov.au

www.randwick.nsw.gov.au

Find us on  



Keep up to date with everything happening in Randwick City through [Randwick News](#), a short weekly email about living in our great city.

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**HAVE
YOUR
SAY**



MINIMUM LOT SIZE REVIEW **FACT SHEET**

MARCH 2018

MINIMUM LOT SIZE REVIEW **FACT SHEET**

Randwick City Council is undertaking a review of the minimum lot size in low density residential zones under the Randwick Local Environmental Plan 2012 (RLEP). The review is in response to banks tightening lending criterias for company title attached dual occupancies.

Examples of attached dual occupancies in Randwick City.



CURRENT SITUATION

Minimum lot size

Under the RLEP, the minimum lot size for properties in an R2 Low Density Residential zone is 400sqm.

This means that for a block of land to be subdivided into Torrens or Strata Title, it must be 800sqm or larger so the resulting lots following subdivision are a minimum 400sqm. There are other requirements that also apply such as the resulting lots having a minimum frontage of 12m or more.

Dual occupancies

Dual occupancies are permitted on blocks 450sqm or larger provided other conditions such as frontage sizes are also satisfied. Dual occupancies provide for a greater range of housing choice, particularly for larger families, ageing parents or to allow families to live close together. They can be rented out providing more rental stock. But they cannot be subdivided unless they meet the minimum lot size. This is a strategy by Council to discourage speculative development, preserve amenity in suburban areas and to maintain a degree of affordability for home buyers and renters.

Company title dual occupancies

Some owners of dual occupancies have converted the property to company title to sell the two homes separately. Company title is a form of housing title that does not require Council approval. However company

TERMINOLOGY

Dual occupancies: (Commonly called a duplex) Two homes on the one lot that share a common wall or floor/ceiling, but all other services are separate.

Company title: An older form of ownership not requiring Council approval. Under company title, individual owners have a 'share' in a company that owns the lot. Historically, company title properties are more affordable and bank lending is tighter.

The Randwick Local Environmental Plan 2012 (RLEP 2012): A legal planning document controlling how land can be used and developed.

Strata Title: Individual lots are privately owned, with the owners collectively owning the shared common property.

Torrens Title: A type of land ownership system where the purchaser owns both the property and the land it sits on.

title properties have historically been subject to tighter lending from banks and consequently are more affordable. Recently banks have further tightened their lending practices and this is having a negative impact on some property owners.

A recent audit of dual occupancies within the R2 Low Density Residential zone across Randwick City indicated:

- There are 688 dual occupancies in the R2 low density residential zone.
- The majority of dual occupancies are located in suburbs such as Matraville, Chifley, Little Bay, Malabar and La Perouse.
- 137 dual occupancies are under company title.

IMPACTS OF REDUCING LOT SIZE

Reducing the minimum lot size within low density residential areas would result in an increase in the number of properties able to be subdivided.

The following table shows the potential number of properties eligible for subdivision if lot sizes are decreased.

Minimum lot size	No of lots eligible for subdivision (Torrens or Strata)
400sqm (current controls)	435
If reduced to 350sqm	1,072
If reduced to 300sqm	3,277
If reduced to 250sqm	6,873
If reduced to 200sqm	10,585

There would likely be other impacts to consider including:

Housing prices – Housing prices are impacted by a range of complex factors, but generally speaking a property that can be subdivided increases its value.

House diversity and choice – More dual occupancies would likely be developed over other low density housing options.

Affordable housing – Attached dual occupancies provide a more affordable rental option. If more dual occupancies are constructed and sold under Torrens or Strata title, the stock of affordable housing options may be reduced.

On-street parking and traffic – An increase in attached dual occupancies would have implications on on-street parking availability, with more driveways taking away street parking. Similarly, the subsequent growth in dwelling numbers would contribute to an increase in traffic generation.

Streetscape impacts – An increase in dual occupancy development would over time impact the character of our streetscapes. Dual occupancies would result in more garages and driveways and fewer trees and on-street parking which impacts the visual amenity of a neighbourhood.

STEPS FOR CHANGE

Lot sizes can only be reduced by amending the RLEP. This is a complex and lengthy process requiring approval by the Minister for Planning.

- ☒ Community consultation -> **We are here**
- ☐ Council agreement to amend RLEP 2012
- ☐ Planning Proposal
- ☐ 'Gateway determination' from Minister for Planning
- ☐ Community consultation
- ☐ Council approval
- ☐ Minister's approval
- ☐ Amendment to RLEP

Changes to legal planning instruments (LEPs) typically take more than 12 months.



A typical dual occupancy

HAVE YOUR SAY

HAVE YOUR SAY

This is an important issue for the community and we want to know what you think. Whether you own a dual occupancy, a block of land or rent and live in the area, your views are important and we encourage you to have your say.

COMMUNITY FORUM

An open forum available to everyone to attend and to share your stories, experiences and opinions.

Wednesday 28 March 2018 commencing 6pm

Prince Henry Centre, Little Bay

Register to speak: www.yoursayrandwick.com.au/LotSizeReview or phone Emese Wolf on **9093 6824**.

Note: Registration required by 5pm Friday 23 March. Depending on the number of speakers, times may be limited to allow everyone to have a say.

LODGE A SUBMISSION

Online:

www.yoursayrandwick.com.au/LotSizeReview

In writing:

Randwick City Council – 'Lot Size Review'
30 Frances St, Randwick NSW 2031

The community consultation is open for eight weeks from **9 March 2018** to **4 May 2018**.

MORE INFORMATION

Randwick Council Strategic Planning Department
1300 722 542 or email council@randwick.nsw.gov.au



Randwick City Council
a sense of community



(Insert date)

Name
Address
Address
Address

Dear Sir/Madam {insert name where possible},

RE: Review of minimum lot sizes and subdivision standards for low density development

I am writing to let you know about an important community consultation Council is currently conducting to review minimum lot sizes and subdivision standards for residential development in the R2 Low Density Residential zone.

We have recently been approached by a number of people raising concerns about financial hardship caused by tightening of lending practices by banks on company title dual occupancies. As a result, residents have been requesting consideration of reducing Council's minimum lot sizes to permit greater subdivision of attached dual occupancies.

This is an important issue for the whole community as any change to these standards would potentially have an impact on your property and affect the future character and amenity of your neighbourhood.

I have included with this letter a fact sheet that provides more information on the issue.

I encourage you to consider the issue and to have your say – regardless of whether you are renting or own your home.

You can make a submission through any of the following methods:

- Online: www.yoursayrandwick.com.au/LotSizeReview
- Post: Randwick City Council 'Lot Size Review' 30 Frances St, RANDWICK NSW 2031
- Email: council@randwick.nsw.gov.au

Community Forum

Council is hosting an open forum available to everyone to attend and to share your stories, experiences and opinions.

Wednesday 28 March 2018 commencing 6pm

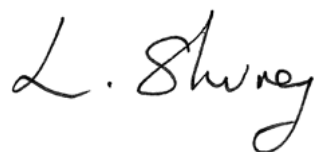
Prince Henry Centre, Little Bay

Register to speak: www.yoursayrandwick.com.au/LotSizeReview or phone Emese Wolf on 9093 6824 by 5pm Friday 23 March 2018.

The consultation is open for eight weeks from **9 March 2018** to **4 May 2018**.

If you have any questions please contact Elena Sliogeris, Acting Coordinator Strategic Planning on 02 9093 6961.

Yours sincerely



Councillor Lindsay Shurey
Mayor of Randwick



MINIMUM LOT SIZE REVIEW