

Appendix J-1



DUAL OCCUPANCY AND HOUSING DENSITY RESEARCH AND ANALYSIS

**TO INFORM CONTROLS IN THE NORTHERN
BEACHES LOCAL ENVIRONMENTAL PLAN**

April 2024

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Background and Policy context

This report provides a summary of research and analysis undertaken to inform requirements for provisions Clause 4.1X 'Minimum lot size and frontage for certain residential accommodation' clause (Housing Density clause) and Clause 6.X 'Dual Occupancies' (Dual Occupancies clause) in the Northern Beaches Local Environmental Plan (LEP).

Background

The Pittwater Local Environmental Plan 2014 (PLEP 2014), specifically '*Clause 4.5A Density controls for certain residential accommodation*', and the Manly Development Control Plan (MDCP), specifically '*Clause 4.1.1 Dwelling Density, Dwelling Size and Subdivision*' contain density controls that specify the maximum number of dwellings that may be achieved on any one site. The Local Housing Strategy aims to remove dwelling density-control lots and instead adopt a standardised approach that focuses on facilitating a diverse range of residential development types based on appropriate lot sizes and widths. This is consistent with some existing clauses such as *Clause 4.1A Minimum lot sizes for manor houses and multi-dwelling housing (terraces) in Zone R2* contained within the Manly LEP, and *Clause 4.1B Minimum lot sizes for dual occupancies* contained within the Pittwater LEP. It should be noted that a separate clause will continue to address the number of dwellings permitted to be erected within the *Warriewood Valley Release Area*.

Policy context

Facilitating options for medium to higher density renewal, including low-scale infill ('missing middle') for more diverse housing in existing areas streetscapes is a key outcome of the Northern Beaches Local Strategic Planning Statement (LSPS) and the Northern Beaches Local Housing Strategy (LHS). This is achieved through criteria for the residential developments that comprise multiple dwellings aims to ensure that properties designated for residential accommodation meet certain criteria such as lot size and width, ensuring that the siting of future development facilitates a reasonable level of privacy, amenity, and solar access provided within the development site and to residential properties, as well as facilitating on-site landscaping, a mature tree canopy, and attractive streetscapes. The clause differentiates between typical low-density and medium-density developments, seeking to maintain the scale, streetscape, and character of the locality. Additionally, it aims to minimise adverse impacts on the area's amenity and mandates the consolidation of lots of inadequate size.

The LSPS identifies, under Priority 15 'Housing supply, choice and affordability in the right locations', the need to provide opportunities for housing in areas already zoned for growth and greater housing diversity, including affordable options, as well as achieving targets for the diversity of new housing and providing smaller housing to address affordability. The predominant housing trend on the Northern Beaches in recent years and as projected for 2016-2036 is that 59% of new dwellings will comprise flats, units, or apartments. This trend will provide opportunities for older people to downsize and free up existing detached housing for younger families, and for younger families to get into the property market.

The LHS also highlights what can be achieved under current planning controls and takes into consideration the potential of the Frenchs Forest precinct. By analysing what is financially feasible, it finds that capacity is realistically around 11,700 additional dwellings by 2036. To help address the deficit of around 275 dwellings to meet the 2036 housing targets for the Northern Beaches, these new clauses seek to accommodate additional capacity for housing, particularly with the introduction of Dual Occupancies across the R2 Low Density Residential zones (R2 Zone) in the LGA for the short to medium term.

The new LEP and DCP will include controls to encourage high-quality, well-designed buildings, including controls for medium-density housing to create healthy, liveable neighbourhoods, ensuring new buildings offer high amenity and do not unreasonably impact neighbouring properties and the public domain. Criteria will be established to allow a broader range of 'missing middle' housing within the Northern Beaches. The Local Housing Strategy also identifies, within its Centres Renewal Framework, missing middle housing as suited to larger lot sizes, typically over 600 sqm, including larger sites suitable for redevelopment or areas with potential for site amalgamations to host additional development.

Key findings

The minimum lot size and lot width based on the development types listed were informed by a review of the existing Pittwater LEP 2014, Warringah LEP 2011 and Manly LEP 2023, a Council commissioned *Urban Design Study for Residential Built Form Controls* undertaken by Allen Jack & Cottier Architects and Tract Consultants issued in May 2022, as well as of a review of the minimum lot sizes and widths identified under other Local Environmental Plans for consistency across Greater Sydney.

Dual Occupancies

It was initially envisioned that Council would implement its Local Housing Strategy to only permit dual occupancy development in Housing Diversity Areas (HDAs) in the R2 Zone within 400m of Avalon Beach, Newport, Warriewood, Belrose, and Freshwater. In R2 zoned areas outside HDAs, dual occupancies and other medium-density housing types would be prohibited to achieve consistency. However, acknowledging the need to increase housing supply and following feedback from the Department of Planning, Housing, and Infrastructure (DPHI) rejecting the prohibition of dual occupancies and/or medium-density development where they are currently permitted under the R2 Zone in the Pittwater LEP 2014 and Manly LEP 2013, it was decided that predominantly attached dual occupancies could be permitted with consent within the new R2 Zone, subject to a local provision as well as minimum lot size and lot width requirements.

The clauses propose to control dual occupancy development across the R2 Zone of the LGA, aligning with the use being permitted with consent in the Pittwater LEP 2014 and Manly LEP 2013. This consistency maintains development potential during zone translation for R2 Zone properties within the Pittwater LEP 2014 and Manly LEP 2013 and increases it within the Warringah LEP 2011 R2 zone (which currently prohibits Dual Occupancies in the zone). In this regard, it should be noted that almost 70% (or 4,494 properties) of R2 Zone properties capable of meeting the proposed dual occupancy site area and lot width requirements on the Northern Beaches fall within the Warringah LEP 2011 R2 Zone.

Council's existing Local Environmental Plans reveal that the Pittwater LEP 2014 permits dual occupancies on sites over 800sqm within the R2 Zone in accordance with 'Clause 4.1B Minimum lot sizes for dual occupancies' and the Manly DCP 'Clause 4.1.1 Dwelling Density, Dwelling Size, and Subdivision' has a minimum site area for dual occupancies is 1,000sqm within the R2 zone. A detailed analysis and testing were undertaken against several different lot size and width scenarios across the R2 Zone, including utilising setting an equitable threshold using a 'sliding scale' approach based on the existing LEP Lot Size Map. Ultimately it was determined that an 800sqm minimum lot size requirement, consistent with the minimum permitted under the Pittwater LEP 2014, in addition to an 18m lot width requirement should be applied as recommended by *Urban Design Study for Residential Built Form Controls*.

Analysis and comparison were also undertaken against other LEPs revealing that the 800sqm minimum lot size requirement is largely consistent with surrounding LGAs, being only slightly more than what is required in the LEPs for Willoughby, Bayside, Central Coast but less than the requirements for Ku-ring-gai, Georges River, and Blue Mountains. It should also be noted that the

800sqm lot size and 18m lot width requirement would not apply to R1 General Residential or R3 Medium Density Residential zoned land on the Northern Beaches for which 400m² and lot width of 15m would be applied consistent with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP). The Housing Density clause ultimately establishes a consistent approach to address dual occupancies based on lot size and lot width, while also considering the scale, streetscape, and character of the locality to minimise adverse impacts on the area's amenity.

The new Dual Occupancies clause intends to protect tree canopy, reduce the extent of landforms being disrupted, and mitigate bushfire risks, particularly during emergency evacuation for properties that adjoin National Parks. This is especially relevant for properties within some bushland suburbs that are bound by the Garigal National Park and Ku-ring-gai Chase National Park where dual occupancy developments are currently prohibited. The clause also aims to protect the amenity impacts of sites with a number of shared boundaries with private properties by prohibiting dual occupancies on existing battle-axe lots. *Dual occupancy (detached)* is only permitted on those properties that have two street frontages, are on corner lots or properties containing a heritage item where it is acknowledged that flexibility of either attached or detached forms are considered important due to unique site conditions.

Manor houses, Multi dwelling housing, Multi dwelling housing (terraces), Residential flat buildings and Seniors housing

The Local Housing Strategy seeks to permit medium-density housing in appropriate locations around centres with good accessibility and amenities. In the context of residential areas on the Northern Beaches, this is largely areas zoned as R1 General Residential and R3 Medium Density Residential.

As highlighted earlier in this report, the Manly LEP 2013 contains Clause 4.1A, which sets minimum lot sizes for manor houses and multi-dwelling housing (terraces). This clause specifies that any development for Terraces or a Manor House must have a minimum site area for each dwelling, as shown on the *Minimum Lot Size—Multi Dwelling Housing (Terraces) and Manor Houses Map*. This requirement equates to a minimum of 500sqm up to 1150sqm per dwelling. Similarly, the Pittwater LEP 2014, specifically 'Clause 4.5A Density controls for certain residential accommodation', requires a maximum of 1 dwelling per 150sqm – 200sqm of site area.

Removing dwelling density controls of this nature could increase housing capacity and implementing minimum lot size and lot width controls enables appropriate subdivision patterns, amenity and viable development outcomes for Manor houses, Multi dwelling housing, Multi dwelling housing (terraces), Residential flat buildings, and Seniors housing.

This Planning Proposal seeks to implement a minimum lot size of 800sqm for manor houses and a minimum lot size of 1,000sqm for Multi dwelling housing, Multi dwelling housing (terraces), Residential flat buildings, and Seniors housing, ensuring consistency with other multi-dwelling housing developments for flexible market uptake and to ensure the existing character of the LGA's medium-density areas are retained and enhanced.

For developments comprising Multi dwelling housing, Multi dwelling housing (terraces), Residential flat buildings, and Seniors housing, a minimum of 1,000sqm and a frontage of the site area of at least 20m, measured at the building line, is considered appropriate. This is consistent with *the State Environmental Planning Policy (Housing) 2021* (Housing SEPP) in relation to Seniors Housing, as well as achieving consistency with minimum lot size requirements for R1 and R3 zones of other LEPs in relation to Multi-dwelling housing and Residential flat buildings.

While the Manor house lot size requirement is higher than the 600sqm requirement permitted under the Codes SEPP, it should be noted that the requirement for 800sqm for Manor houses is consistent with other LEPs including Georges River and lesser than both The Hills and Sutherland Shire. It is also expected that a Manor house would be of a lower density consistent with the Codes SEPP definition

being 'a building containing 3 or 4 dwellings where: each dwelling is attached to another dwelling by a common wall or floor, and at least 1 dwelling is partially or wholly located above another dwelling, and the building contains no more than 2 storeys (excluding any basement)', and therefore more appropriately located on a site smaller than those with more dwellings such as Multi dwelling housing or a Residential flat building where the lot size requirement is 1,000sqm.

Recommendation

Draft Northern Beaches LEP Housing Density Clause

To ensure that medium to higher density renewal, including 'missing middle' housing, is not hindered by dwelling density controls, the proposed Housing Density clause provides a standardised approach focused on appropriate lot sizes and widths. Overall, the proposed clause aims to promote housing diversity and high-quality development while preserving the area's character and amenity.

Proposed wording of draft Northern Beaches LEP Clause - Minimum lot size and frontage for certain residential accommodation:

4.1X Minimum lot size and frontage for certain residential accommodation

(1) The objectives of this clause are as follows –

- (a) to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,
- (b) to ensure that dual occupancies retain the scale, streetscape and character of the locality,
- (c) to ensure that manor houses, multi dwelling housing, residential flat buildings and seniors housing maintain the general scale, streetscape and character of the locality,
- (d) to minimise any likely adverse impact of the development on the amenity of the area,
- (e) where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots.
- (f) to ensure that lot sizes are appropriate for the environmental capability of the land, having regard to the land's topography and other natural features.

(2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 if—

- (a) the area of the lot is equal to or greater than the area specified in Column 3, and
- (b) the width of the lot at the front building line is equal to or greater than the width specified in Column 4.

(3) In calculating the size of a lot, the area of any existing or proposed access corridor (including any right of carriageway or access way) is to be excluded.

(4) This clause does not apply to land in the *Warriewood Valley Release Area* as shown on the *Urban Release Area Map*.

Column 1	Column 2	Column 3	Column 4
Dual occupancies	Zone R1, Zone R3	400m ²	15m
Dual occupancies	Zone R2	800m ²	18m
Manor houses	Zone R1, Zone R3	800m ²	18m
Multi dwelling housing, Multi dwelling housing (terraces)	Zone R1, Zone R3	1000m ²	20m
Residential flat buildings, other than Manor houses	Zone R1, Zone R3	1000m ²	20m
Seniors housing	Zone R1, Zone R3	1000m ²	20m

Draft Northern Beaches LEP Dual Occupancies Clause

To ensure that additional housing supply provided by dual occupancies in the R2 Zone where currently and newly permitted, maintains a high level of residential amenity, including adequate provision of private open space. The clause aims to protect tree canopy, reducing the extent of disrupted landforms, and mitigating bushfire risks. Additionally, it provides flexibility for detached forms of dual occupancies where deemed appropriate due to unique site conditions. Overall, the proposed clause aims to promote housing supply and high-quality dual occupancy development while preserving the area's character and amenity.

Proposed wording of draft Northern Beaches LEP Clause – Dual Occupancies:

6.X Dual Occupancies

(1) Development consent must not be granted to development for the purposes of dual occupancies on land in Zone R2 Low Density Residential on a lot that is an existing battle-axe lot.

(2) Development consent must not be granted to development for the purposes of dual occupancies (detached) on land in Zone R2 Low Density Residential unless the land—

(a) contains a heritage item, or

(b) has 2 street frontages, or

(c) is a corner lot within the meaning of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

(3) This clause does not apply to land in the *Warriewood Valley Release Area* as shown on the *Urban Release Area Map*.