

RECENT ANNOUNCEMENTS ABOUT CHANGES TO PLANNING CONTROLS AND WHAT THEY MAY MEAN FOR THE LANE COVE LGA

Please note that this note has been compiled by Cllr Merri Southwood based on material in the public domain. Community members should check DPHI material themselves when compiling submission or reports.

The NSW government has announced some major changes to planning policy in the past 2 months:-

- **in place already** (height incentives for social/affordable housing)
- **out for consultation – to take effect 2024** (infill development of R2 and R3 sites within 800 m of ‘town centres’ and railway stations)
- **and another announced and flagged for consultation soon – to be completed by November 2024** (Transport Oriented Development forced re-zoning within 1.2 km of the Crows Nest Metro Station).

Impacts of these changes will be felt differently across the Lane Cove LGA, with some changes potentially impacting the whole LGA and others applying to specific locations.

IF YOU HAVE A PROPERTY LOCATED WITHIN 1.2 km OF THE CROWS NEST METRO, PLEASE READ THIS NOTE RIGHT TO THE END

1. HEIGHT INCENTIVES FOR SOCIAL/AFFORDABLE HOUSING

In force now

<https://www.planning.nsw.gov.au/policy-and-legislation/housing/housing-sepp/in-fill-affordable-housing>

- Developers will get a bonus Floor Space Ratio (FSR) of up to 30% if they provide a minimum 10% of gross floor area for social/affordable housing. Residential flats and shop top housing will also get a 30% height bonus.
- Social/affordable housing dwellings to be held for minimum 15 years and reverting after that to general housing stock available for sale
- Developments with a Capital improved Value of over \$75 mill may be declared as State Significant Developments – Councils will not be the determining authority

- A DA that has already been approved can be amended to reflect the new incentives or a new DA can be submitted to capture the social/affordable housing bonus.
- What does this mean for the DAs approved or in early stage of work in SLS? Could this mean that SLS developers, even those with developments where work has commenced, may be able to change their plans to capture more height or FSR in exchange for more social/affordable housing?

2. INFILL DEVELOPMENT OF R2 AND R3 SITES WITHIN 800 m OF TOWN CENTRES AND RAILWAY STATIONS

This proposal is out for consultation now and submissions close Friday 23 February

<https://www.planningportal.nsw.gov.au/draftplans/exhibition/explanation-intended-effect-changes-create-low-and-mid-rise-housing>

Reforms proposed to come into effect in 2024

LANE COVE COUNCIL IS HOSTING A COMMUNITY
INFORMATION SESSION ABOUT THIS PROPOSAL

ON

TUESDAY 20 FEBRUARY AT 6:30 pm

Registration details

<https://www.lanecove.nsw.gov.au/Council-News/Proposed-Changes-to-Housing>

NORTH SYDNEY COUNCIL IS ALSO HOLDING A COMMUNITY INFORMATION EVENING

ON











WEDNESDAY 14 FEBRUARY AT 6 PM

<https://events.humanitix.com/housing-forum-community-information-evening>

What could these proposals mean for you?

1. Check the zoning of a property

<https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

-  PRC - Public Recreation
-  R - Residential
-  RAC - Rural Activity Zone
-  RAZ - Rural Activity Zone
-  R1 - General Residential
-  R2 - Low Density Residential
-  R3 - Medium Density Residential
-  R4 High Density Residential
-  E1 - Local Centre
-  E2 - Commercial Centre

2. If a property is anywhere in the Lane Cove LGA
and
it is zoned as R2 (Low density Residential)
and
it is a minimum of 450 sq m,

development as a dual occupancy will be permitted if it complies with the criteria below.

A dual occupancy normally comprises two side by side houses that both have a front yard, a back yard and are set back to neighbours.

Non refusal standards will apply if the dual occupancy meets these requirements:-

- Maximum Building Height: 9.5m
- Maximum FSR: 0.65:1
- Minimum Site Area: 450m²
- Minimum Lot Width: 12m
- Minimum Car Parking: 1 space per dwelling

Landscaping requirements will be as follows:-

Dual occupancies	<300m ²	15%	15%	At least 1 small tree, per dwelling
	300-600m ²	20%	20%	For every 200m ² of site area, or part thereof, at least one small tree
	>600m ²	25%	25%	For every 225m ² of site area, or part thereof, at least one medium tree

3. If a property is zoned R2
and
it is located within 800 m walking distance of Wollstonecraft, St Leonard or Crows Nest Metro Station
or
within 800 m walking distance of a “town centre” (it is understood that measurement will be taken from the extremity of the town centre),

development as terraces, multi-dwelling housing or manor houses will be permitted if the development complies with the criteria detailed below.



Figure 8: Low-rise housing types L-R dual occupancy, multi-dwelling housing (terraces), manor house

A town centre is land zoned:-

E2 Commercial Centre

or

SP5 Metropolitan Centre

or

E1 Local Centre or MU1 Mixed Use (only if the zone offers a wide range of goods and services such as a Full Line supermarket, shops and restaurants).

The Department of Planning, Housing and Infrastructure (DPHI) will work with individual Councils to determine “town centres” for each LGA.

Multi dwelling housing (terraces)

- Maximum Building Height: 9.5m
- Maximum FSR: 0.7:1
- Minimum Site Area: 500m²
- Minimum Lot Width: 18m
- Minimum Car Parking: 0.5 space per dwelling

Multi dwelling housing

- Maximum Building Height: 9.5m
- Maximum FSR: 0.7:1
- Minimum Site Area: 600m²
- Minimum Lot Width: 12m
- Minimum Car Parking: 1 space per dwelling

Manor Houses

- Maximum Building Height: 9.5m
- Maximum FSR: 0.8:1
- Minimum Site Area: 500m²
- Minimum Lot Width: 12m
- Minimum Car Parking: 0.5 space per dwelling

Landscaping requirements will be as follows:--

Manor houses	<300m ²	20%	20%	For every 200m ² of site area, or part thereof, at least one small tree
	300-600m ²	25%	25%	For every 250m ² of site area, or part thereof, at least one medium tree
	>600m ²	30%	30%	For every 350m ² of site area, or part thereof, at least 2 medium trees or one large tree

Multi-dwelling housing (terraces)	<1,000m ²	20%	20%	For every 300m ² , or part thereof, at least one medium tree
	1,000-3,000m ²	25%	25%	For every 200m ² , or part thereof, at least one medium tree
	>3,000m ²	30%	30%	For every 350m ² , or part thereof, at least 2 medium trees or one large tree

4. If a property is zoned R3 (medium density residential)

and

it is within 800 m walking distance of a “town centre” or a railway station (I am unsure if there are such sites in the Lane Cove LGA),

development of the property as a residential flat building will be permitted if the development complies with the criteria below.

Within *inner (0-400m) station and town centre precincts* in the Six Cities region:

- Maximum Building Height: 21m
- Maximum FSR: 3:1

Within *outer (400-800m) station and town centre precincts* in the Six Cities region:

- Maximum Building Height: 16m
- Maximum FSR: 2:1

5. If a property is zoned R3 and it is within 800 m walking distance of a “town centre”, development of the property as shop-top housing will be permitted if the development complies with the criteria in 4 above.

Landscaping requirements for 4 and 5 will be as follows:-

Less than 650 m ²	15%	As per Apartment Design Guide	For every 350 m ² of site area or part thereof, at least one small tree must be planted in the deep soil area
650 m ² – 1,500 m ²	15%	As per Apartment Design Guide	For every 350m ² of site area or part thereof, at least one medium tree is to be planted in the deep soil area
Greater than 1,500 m ²	20%	As per Apartment Design Guide	For every 575m ² of site area or part thereof, at least 2 medium trees or one large tree must be planted in the deep soil area

Lane Cove Council will be making a submission to the DPHI on this proposal.
A draft of this submission has not been made available to Councillors at this point.

The community (and, possibly, Councillors) will only see the final draft of Council's submission when business papers for the Council meeting on 22 February are released – likely 15 February around 5pm.

You may find the report to North Sydney Council for its meeting on 12 February a useful resource when compiling your submission

<https://www.northsydney.nsw.gov.au/ecm/download/document-10940348>

YOU HAVE THE RIGHT TO MAKE YOUR OWN SUBMISSION DIRECTLY TO DPHI AND I URGE YOU TO DO SO.

<https://www.planningportal.nsw.gov.au/draftplans/exhibition/explanation-intended-effect-changes-create-low-and-mid-rise-housing>

PLEASE KEEP READING IF A PROPERTY IS LOCATED WITHIN 1.2 km OF THE CROWS NEST METRO

3. TRANSPORT ORIENTED DEVELOPMENT TO 1.2 km FROM THE CROWS NEST METRO

No consultation yet but proposed to be completed by November 2024.

<https://www.planning.nsw.gov.au/policy-and-legislation/housing/transport-oriented-development-program/transport-oriented-development-sepp>

You may have noticed recent media coverage about proposals for residential flats within 400m of nominated railway stations. This initiative will be implemented through a SEPP (a state policy that overrides Council controls) from 1 April 2024. The list of stations can be found on <https://www.planning.nsw.gov.au/policy-and-legislation/housing/transport-oriented-development-program/transport-oriented-development-sepp> and it does not include St Leonards, Wollstonecraft or the Crows Nest Metro.

But there is more to come.

The Department of Planning has listed 8 sites as Transport Oriented Development (TOD) Accelerated precincts and Crows Nest Metro is one of them.

If the TOD proceeds DPHI will master plan the precinct and identify possible sites to create new housing within 1.2km from the Metro.

“The Government says that housing will range from low-rise housing types such as terraces and duplexes within the 1,200 metre radius — through to high-rise developments very close to the eight identified stations”.

<https://www.millsoakley.com.au/thinking/radical-break-with-past-planning-policies-to-boost-housing-supply/>

The re-zonings will be state-led but the Department has stated that it will work with Councils on the master planning.

DPHI is currently working with North Sydney Council.

There is no date set for a Lane Cove TOD Master Plan process.

If implemented in the Lane Cove LGA, the Lane Cove TOD Master Plan will override the planning controls detailed in **2. INFILL DEVELOPMENT OF R2 AND R3 SITES WITHIN 800 m OF TOWN CENTRES AND RAILWAY STATIONS** above.

If you are seeking more detail about the R2/R3 infill and TOD proposals, you may find the report to North Sydney Council for its meeting on 12 February a helpful document <https://www.northsydney.nsw.gov.au/ecm/download/document-10940348>

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9 Feb 2024