


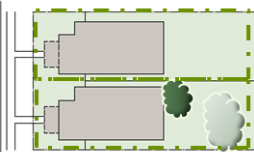
Attachment 4

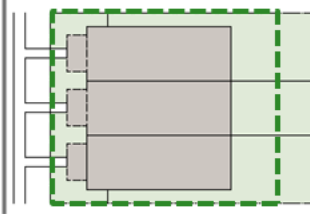


Proposed Byron LEP 2014 Statutory Framework Lot Size Diversity & Housing Diversity Clauses for Lot 22 and Key Sites

Below is an updated version of draft Residential Strategy Policy 2, Table 5. This table provides a basis for the proposed Lot Size Diversity & Housing Diversity clauses. Column 2 (A) refers specifically to Lot 22.

The updates to the table have been informed by community feedback on the Residential Strategy and emerging provisions for a Lot 22 - R1 General Residential Zone in response to investigative work. The percentage lot size mix is consistent with the requirements of the North Coast Regional Plan 2036 – Action 23.1.

Table 5: Lot diversity and size mix for land identified within investigation areas (Figure 6 exhibition version updated)

Column 1 – Lot type	Column 2 - Mix of lots per net developable area			Column 3 - Lot size range	Column 4 - Examples of houses on lots
	A: Zone R1 (LOT 22)	B: Zones R2 & R3	C: Investigation areas specified for a traditional lot mix		
Type A Traditional lots	10%	10%	70	450 – 799m ²	
Type B compact lots	51%	35%	30	201 – 449m ²	

Column 1 – Lot type	Column 2 - Mix of lots per net developable area			Column 3 - Lot size range	Column 4 - Examples of houses on lots
	A: Zone R1 (LOT 22)	B: Zones R2 & R3	C: Investigation areas specified for a traditional lot mix		
Type C medium density lots	12%	45%	0	800m ² - 1,400m ²	
Type D micro lots	27%	10%	0	50 - 200m ²	
Byron bespoke intentional communities	As appropriate	As appropriate		As appropriate	

Regulatory Implementation Options

Both options are based on an LEP key sites map/s (investigation area precinct map) to be referenced by LEP clauses.

Option 1:

Integrate within existing Byron LEP 2014 clauses by introducing:

- Housing yield objectives
(Amendment to Part 4 Clause 4.1 E)
- Lot size mix provisions
(Amendment to Part 4 Clause 4.1 – new clause 4.1G)
- Housing yield provisions
(Amendment to Part 4 Clause 4.1 – new clause 4.1H)
- Variations to subdivision development standards
(Amendment to Part 4 Clause 4.1 – new clause 4.1I)

Option 2:

Package the new clauses into a new local provision under Part 6 of Byron LEP 2014.

The clause objectives and provisions would remain the same under either of these options, only the numbering assigned to the clauses would be different. As such, this report only presents Option 1. The decision to house the clauses under Part 4 or Part 6 of the LEP rests with the NSW Parliamentary Counsellors Office who are responsible for the legal drafting of the amendment.

Proposed Byron LEP 2014 Provisions

The following LEP provisions are proposed in accordance with 'Option 1' described above. The final wording of these provisions is determined by the Parliamentary Counsel's office and is therefore subject to change when the instrument is drafted.

NOTE:

Black Text = existing provisions

Brown text = proposed inclusions

4.1E Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) This clause applies to development on any land not identified on the Key Sites Map (Investigation Area Precinct Map).
- (3) 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 of the table

opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.

- (4) In this clause, **manor house** has the same meaning as in clause 1.5 of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).....

4.1G Lot diversity and size for land identified on the Key Sites Map [target and capacity]

- (1) The objectives of this clause are as follows —
 - (a) to improve housing diversity and choice
 - (b) to achieve lot diversity outcomes for certain land identified on the Key Sites Map
 - (c) to achieve planned residential density for certain land identified on the Key Sites Map
- (2) This clause applies to a subdivision of any land shown on the Key Sites Map (Investigation Area Precinct Map) and that is carried out after the commencement of this Plan.
- (3) The subdivision of land will deliver a diversity of:
 - a. lot types in accordance with the ratio identified for the relevant zone shown in Column 2 of the table to this clause and lot type shown in Column 1 of the table; and
 - b. lot sizes within the range as shown in Column 3 of the table to this clause for a lot type shown in Column 1 of the table
- (4) Where the subdivision of the land creates lots less than 300m², that component of the subdivision development application will:
 - a) Be undertaken as an integrated housing development
 - b) Deliver a minimum of three (3) adjoining lots less than 300m²
 - c) Not exceed a maximum of five (5) adjoining micro lots
- (5) Two or more adjoining micro lots may not be amalgamated after principle subdivision to create a larger lot that achieves the minimum lot size required for detached *dwelling house* or *dual occupancy* under clause 4.1H
- (6) This clause does not apply in relation to the subdivision of any land by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*

[Overall planning average on the large scale]

Column 1 Lot types		Column 2 (diversity mix - Ratio of lots per net developable area)		Column 3
Type reference	Label	Zone R1	Zones R2 & R3	Lot size range (m ²)
A	Traditional Lots	10%	10%	450-799
B	Compact Lots	51%	35%	201-499
C	Medium density Lots	12%	45%	800-1,400
D	Micro Lots	27%	10%	50-200

Net developable area means the total area of the land available for development, not necessarily the total area of a property itself. It does not include open space, drainage land, regional roads and land used for other public facilities.

(source <https://www.planning.nsw.gov.au/-/media/Files/DPE/Factsheets-and-faqs/fact-sheet-special-infrastructure-contributions-western-sydney-growth-areas.ashx?la=en>)

Compact Lot means a lot that has an area of 201 – 449m² shown on an approved plan of subdivision

Medium density means a lot that has an area 800 – 1400 m² shown on an approved plan of subdivision and on which it is intended to be occupied by multiple households

Mico lot means a lot that has an area of less than 200 m² shown on an approved plan of subdivision and on which it is intended to be occupied by one household

Traditional lot means a lot that has an area of 450 – 799 m² shown on an approved plan of subdivision

4.1H Minimum lot sizes for dwelling houses, dual occupancies, manor houses, multi dwelling housing and residential flat buildings in Key Sites Map

- (1) The objectives of this clause are as follows —
 - (a) To efficiently utilise land and achieve planned residential density
 - (b) To provide guidance on appropriate housing types for certain lot size.
 - (c) To promote greater housing diversity
- (2) This clause applies to development on any land shown on the Key Site Map (Investigation Area Precinct Map) that requires development consent and that is carried out after the commencement of this Plan.
- (3) 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 of the table opposite that zone, if the area of the lot is within the range specified in Column 3 of the table for that purpose.
- (4) In this clause, manor house has the same meaning as in clause 1.5 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note—

Clause 3B.1A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that development for the purposes of manor houses is permitted with development consent in Zones R2 and R3.

[Place specific indicator of development intensity]

Column 1 Housing Types	Column 2 Residential Zones	Column 3 Lot size range (m ²)
Detached house	Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential	301 - 799 square metres

Column 1 Housing Types	Column 2 Residential Zones	Column 3 Lot size range (m²)
Detached house in accordance with Clause 4.1G	Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential	200 - 300 square metres
Dual occupancy (attached and detached)	Zone R2 Low Density Residential, Zone R3 Medium Density Residential	800 or more square metres
Dual occupancy (attached and detached)	Zone R1 General Residential and Zone R3 Medium Density Residential only where lot is located within 200 m of a recreation area.	600 or more square metres
Manor house	Zone R1 General Residential, Zone R3 Medium Density Residential	800 or more square metres
Manor house	Zone R2 Low Density Residential	1,000 or more square metres
Manor house	Zone R1 General Residential and Zone R3 Medium Density Residential only where lot is located within 100m of a recreation area.	600 or more square metres
Multi dwelling housing	Zone R2 Low Density Residential	1,000 or more square metres
Multi dwelling housing	Zone R3 Medium Density Residential	800 or more square metres
Multi dwelling housing	Zone R1 General Residential and Zone R3 Medium Density Residential only where lot is located within 100 m of a recreation area.	600 or more square metres
Residential flat building	Zone R1 General Residential, Zone R3 Medium Density Residential	800 or more square metres

4.1I Variations to subdivision development standards in clause 4.1G

- (1)** The objective of this clause is to support improved housing affordability, diversity and supply by allowing flexibility in particular circumstances on land identified on the Key Sites Map.
- (2)** Unless otherwise stated, development consent may be granted for the subdivision of land under clause 4.1G even though the development would contravene a development standard imposed by this clause.
- (3)** In the case of a subdivision of land creating lots, consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating —
 - (a)** compliance with the development standard is unreasonable or unnecessary in the circumstances of the case
 - (b)** the variation is consistent with the objectives of this clause, and

- (c) there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) The subdivision of land creating lots must not be granted for development that contravenes a development standard unless—
 - (a) the consent authority is satisfied that—
 - i. the applicant's request to contravene a development standard has adequately addressed the matters required to be demonstrated by subclause (3), and
 - ii. the proposed development will be in the public interest because it is consistent with the objectives of clause 4.1G and the objectives for development within the zone in which the development is proposed to be carried out.

Supporting DCP Provisions

The provisions proposed above provide a statutory framework that delivers a mix of lot sizes and housing typologies for sites identified on the Key Sites Map, this mix includes an allocation of smaller lot sizes that create unique challenges when considering the design and location of buildings. More detailed design considerations are best managed via a DCP in order to provide sufficient flexibility at the DA stage.

Some of the key issues that will need to be addressed via a DCP are discussed below.

Subdivision & Integrated Development

DCP provisions are required to manage the development of housing at smaller lot sizes to ensure that buildings are designed and located in a manner that best aligns with the amenity of housing on adjoining lots. The potential for poor outcomes is greater when working with smaller lot sizes due to the close proximity of buildings.

To address this issue, proposed clause 4.1G requires that subdivisions creating lots smaller than 300m² be carried out as part of an integrated development application. This means that the subdivision DA and the building DA are submitted together as an integrated DA.

This integrated approach removes the risk of ad-hoc development outcomes in terms of the location of buildings.

Managing site constraints at smaller lot sizes

Smaller lot sizes (i.e. less than 600m²) also create challenges when working with site-specific constraints, such as vegetation, slope etc. Such constraints can further limit the potential location of buildings, thus compounding the potential for poor outcomes on small lots.

To manage the impact of site constraints, DCP provisions will be necessary to ensure that subdivision applications are accompanied by a Building Envelope Plan to demonstrate that the lot can accommodate a building platform, appropriate access and servicing with minimal site, visual and vegetation impacts.