

Penrith City Council Submission: Medium Density Housing

Introduction

Penrith City Council has planned to accommodate Penrith's current and future communities by providing a mix and diversity of housing types in areas well located with regard to services, facilities and transport. These planned outcomes also safeguard residential amenity and include a strong commitment to healthy and safe communities and environmental protection and enhancement. We also monitor the performance of the planned outcomes and update our strategic planning documents to respond to the challenge of housing an increasing population.

The planned outcomes for Penrith's residential areas included extensive community consultation and are captured in the key planning documents, *Penrith Local Environmental Plan 2010* (LEP 2010) and *Penrith Development Control Plan 2014* (DCP 2014). LEP 2010 applies the suite of residential land use zones and land uses provided by the *Standard Instrument Template for Local Environmental Plans* to the Penrith Local Government Area to provide a mix and diversity of housing types, with increased densities around public transport and commercial centres. The controls in DCP 2014 set the desired outcomes with regards to the design and amenity of new development.

We have also planned to and are delivering greater density and housing choice (than that available in its traditional low density residential areas) in Penrith's new release areas. These areas are already supported, or will be supported, by infrastructure and services that will meet the demand of medium- and high-density residential developments.

The focus of the exhibited documents is on medium density housing; we understand that they will not apply to the R4 High Density Residential zone. We ask that a similar exclusion is made for the R2 Low Density Residential and RU5 Village zones to ensure that planned outcome of maintaining the character and amenity of these areas are not undermined with alternative approval processes and development standards.

We do not support the provision of an alternate approval pathway for town house and terrace developments. The complying development process will not provide the necessary rigour to ensure impacts of such developments are managed appropriately. In addition, the complying development process does not consider the infrastructure and services available to or required by new developments. This will impact on Council's ability to provide infrastructure and services for planned developments and existing residents.

Complying Development Process

The complying development process needs to ensure that appropriate research into the environmental constraints affecting a site, including flooding, is undertaken. For example:

1. Section 149(2) planning certificates indicate if a lot is a flood control lot, but not whether it is a flood storage area, floodway, flow path or a high hazard or high risk area. A solution is for the process to require a Section 149(5)

planning certificate to be obtained prior to undertaking complying development.

2. Lots requiring a specific stormwater management solution are not identified by planning certificates. It is not clear how the requirements for the design and certification of stormwater management solutions will be identified or enforced.

Design Verification Statements should not be used to absolve Certifiers from responsibility in ensuring all of the design criteria are achieved. The issue of the CDC still needs to be dependent on the Certifier satisfying themselves that all the controls/requirements have been met. It is also questioned whether the person preparing the design should be the one to sign the design verification statement. It is suggested that this should be undertaken by persons accredited to do so.

Council already has reservations regarding the outcomes delivered through the private certification of development and so does not support the proposed expansion of private certification to include stormwater and waste management solutions. The benefits of obtaining consent as complying development for larger scale projects are compromised when single issues are deferred to Council to be resolved.

Development resulting in 2 Dwellings on a single lot (dual occupancies)

The proposed adoption of Council's development standards for the development of dual occupancies is welcomed. These standards have been prepared following extensive community consultation and help protect the amenity and character of established residential areas.

However, we do not support the proposed standards for the subdivision (Torrens Title) of dual occupancies. The subdivision of a dual occupancy development should only be permitted where it meets the development standards set in the applicable local environmental plan. The proposed standards are significantly smaller than those set in LEP 2010 (50%) and would, over time, bring extra pressure to bear on allowing established residential areas to subdivide to the same standard. This will undermine the planned outcome of maintaining the character and amenity of Penrith's traditional residential areas.

The proposed model clause that will permit subdivision only after the building(s) is/are complete is not considered strong enough to off-set this concern. Any proposal to provide a different outcome to the currently planned outcomes should be examined and determined by individual councils through an appropriate strategic planning exercise.

Development resulting in 3-4 dwellings (manor homes)

We note the proposal to insert this use (manor homes) into the *Standard Instrument Template for Local Environmental Plans* and to mandate it as permissible where *multi-dwelling housing* and *residential flat buildings* are permitted. We support the proposed adoption of the development standards specified in LEPs.

However, the proposed definition of *Development that can be complying development under this code* for the proposed *Division 4 – Manor House and Dual*

Occ (Page 37 of the *Explanation of Intended Effects*) provides two requirements regarding zones and permissibility listed under (a) and (b). One potential effect of this arrangement is that *Manor houses* would be permissible where *dual occupancies* are permissible. This is inconsistent with the intent on page 16 and described at footnote 10.

Development resulting in 3-10 dwellings (townhouses/terraces)

Table 2 (Page 12) of the *Explanation of Intended Effects* sets out the minimum lot size requirements for each development type. For each development type, with the exception of Multi-dwelling housing (terraces), the requirement is “as specified in an LEP”. We support the application of the same requirement for townhouses/terraces.

Waste management, carparking and stormwater drainage

Councils are the responsible authority for waste services, often managing large and complex contracts for waste collection. As the developments permitted by the SEPP will rely on these services, councils should retain responsibility for all aspects of waste management planning, including certification. If the Design Guide is to call on a councils development control plan, they should adopt all of the controls, not just those relating to number of bins. Aspects such as design and location of waste storage areas as well as arrangements for collection of waste and pick up of bins are equally important because of potential impacts on streetscape, parking and road safety.

Controls for car parking controls should reflect the location of the proposed development, its proximity to public transport options, and provide sufficient car parking. The car parking requirements should meet the minimum standards specified in the applicable development control plan if they are higher than those in the *Guide to Traffic Generating Developments*. Any reduction in car parking requirements will result in increased on-street parking and impacts on existing residents and waste collection.

Councils are the responsible authority for stormwater management often managing large catchments. The assessment of stormwater management solutions needs to remain with councils, including certification, to ensure that impacts are identified and managed on a whole of catchment basis rather than site by site. This will also help to avoid negative impacts on public infrastructure. If on-site detention is required by a council's policy, up front certification should be required to ensure appropriate outcomes.