



SUBMISSION

Draft Medium Density Design Guide

December 2016

PARRAMATTA WE'RE BUILDING **AUSTRALIA'S NEXT GREAT CITY**

Contents

1	INTRODUCTION	2
2	BACKGROUND	3
3	COMMENTS AND CONCERNS	4
3.1	General Comments	4
3.1.1	Standardisation' via Complying Development versus 'Site Specific Assessment' through the DA process	4
3.1.2	Suitability of Private Certifiers and Building Designers	5
3.1.3	Building certification system	5
3.1.4	Consultation	6
3.1.5	Subdivision	6
3.2	Design issues	8
3.2.1	Comments about the Design Guide	8
3.2.2	Manor houses and vertical dual occupancies	8
3.2.3	Multi-dwelling housing requiring a DA	9
3.2.4	Minimum Lot Size and FSR	9
3.2.5	Development of Pattern Book for Terrace Housing	10
3.2.6	Sites without rear lanes	10
3.2.7	Side setback controls	10
3.2.8	Landscaped areas, private open space and deep soil zones	10
3.2.9	Defensive approaches	11
3.2.10	Attic spaces	11
3.2.11	Definitions	11
4	CONCLUSION	12
5	ATTACHMENT	13

ATTACHMENT

Detailed comments on proposed medium density development controls

1 Introduction

This submission on the Draft Medium Density Design Guide has been prepared through consultation with the City of Parramatta Council's Development Services Unit and Urban Design Team. It is based primarily on a working knowledge of the local area, assessment and comparison against Council's planning controls and an understanding of the existing complying development framework.

Community feedback was also sought via corporate notices in the following four local newspapers: the Parramatta Advertiser, Northern District Times, Hills Shire Times and Auburn Review, as well as the City of Parramatta's Facebook page and Twitter profile and the Administrators Column.

The proposed changes have generated concerns amongst the community around the lack of consultation associated with the changes as well as the adverse impact to the character of low density areas, particularly those characterised by single dwellings on large lots. Refer to *Memo to the Administrator – Submissions received on the Draft Medium Density Design Guide* considered at the 12 December 2016 Council Meeting shown in Attachment 1.

This submission therefore outlines Council's key concerns and includes more detailed comments on the proposed design criteria contained in Attachment 2. Attachment 2 includes a series of five tables detailing proposed standards and responses for each of the following types of development:

- » two dwellings side by side,
- » manor houses and dual occupancy,
- » terrace housing,
- » multi-dwelling housing and master planned communities (townhouses and villas) – noting that this type of development cannot be carried out as complying development and requires a development application (DA) for the granting of consent, and
- » subdivision

2 Background

In November 2015 the Department of Planning and Environment (DP&E) released a Discussion Paper - *Options for Low Rise Medium Density Housing as Complying Development* with a supporting Background Paper. These documents examined opportunities to expand the range of one and two storey development that can be undertaken as complying development in NSW under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) to help address future housing demand.

The City of Parramatta Council (Council) prepared a submission on the Discussion Paper in February this year raising numerous concerns including:

- Any new provisions in the Codes SEPP should not permit dual occupancy in R2 zone on lots less than 600m² as this is inconsistent with the current Parramatta LEP provisions
- Design and increased intensity of development of allowing Manor Homes and town houses/villas/terrace housing in existing low density residential zones is inconsistent with the objectives of the R2 Low Density Residential zone
- Complying development process is not considered appropriate for assessing these forms of development and ensuring a high quality outcome
- Concerns regarding the lack of notification requirements given the immediate amenity and visual impacts that could result from allowing medium density development in low density residential zones.

After considering responses received, the DP&E released the Draft Medium Density Design Guide (Design Guide) which, along with the Codes SEPP, contains the proposed development standards for complying development (and guidance for when a Development Application is required) for low rise medium density development. The Standard Instrument Local Environment Plan (the LEP template for NSW) is also set to change to amend the current definition of *multi dwelling housing* and introduce two new terms to the standard instrument dictionary – *manor house* and *multi dwelling housing (terraces)*.

It is noted that the DP&E has taken into account some of the concerns raised by Council in its February submission on the Discussion Paper. In particular, it confirms that medium density development can only be considered as complying where that use is already permitted in the R1, R2 or R3 zones in the relevant LEP. However, Council is still concerned about certain aspects that are now contained in the Design Guide, as detailed in this submission.

3 Comments and Concerns

Council generally supports the NSW Government's initiative to improve design outcomes for medium density housing in NSW. However, it is imperative that this occurs in a way that meaningfully takes account of the different characteristics, land values, densities and infrastructure that occur across urban areas.

This section provides details of Council's key concerns with the proposed changes including both strategic and statutory implications.

3.1 General Comments

3.1.1 'Standardisation' via Complying Development versus 'Site Specific Assessment' through the DA process

As is generally the case when trying to standardise development controls, the room for flexibility based on context as well as quality control is substantially reduced.

It is Council's contention that the proposed forms of medium density development as complying development would result in much poorer design outcomes than would occur through the existing DA system.

Council currently applies significant resources to assisting designers to ensure the design quality of their proposal is as high as possible. The expansion of complying development to include low rise residential housing (i.e manor houses) would remove the opportunity for Council to offer an advisory service to improve design standards to ensure development appropriately responds to the characteristics of the site and surrounding context.

Complying Development applies state-wide standards that have limited consideration for Council's local strategic intentions. A blanket approach to density and development types that can be undertaken with inadequate consultation/notification will not facilitate a positive outcome for the community.

Recommendation: With the exception of dual occupancies (side by side attached and detached), the complying development process is not considered appropriate for assessing most forms of medium density development because tailored design responses to site conditions are required. Furthermore, the lack of community consultation for complying development is inappropriate given the intensity of the medium density development and the associated impact on privacy and amenity of adjoining residents.

It is recommended that that medium density development (except dual occupancies) should continue to be assessed through the DA process. However, should the DP&E

continue to pursue the expansion of the Codes SEPP to include certain types of medium density development, the following concerns (detailed below) would need to be addressed.

3.1.2 Suitability of Private Certifiers and Building Designers

Private certifiers, who generally have backgrounds in building surveying are often insufficiently qualified to assess subdivision, dual occupancies, manor houses and multi-unit developments.

As mentioned previously, complying development currently applies to simple types of development where the end-user is commonly the occupant who has a direct relationship with the certifier and building. This leads to a better quality development as there is a sense of personal attachment to the development. By expanding complying development to include medium density development where there are multiple owners/end-users and the ability for these developments to be subdivided as part of the same complying development application, it is likely that the resulting built form/design quality may be compromised.

The Design Guide will enable certifiers to make subjective design decisions where they do not necessarily have the training required to do so. There is little market incentive for private certifiers to engage the necessary expertise to allow for a thorough assessment of the development proposal.

To this end, it is important that the types of assessment that could be complying development be strictly limited to those that are relatively simple and numeric, so as to prevent misapplication of the guide.

Likewise there is also not much clarity provided around the skill levels of the 'designer' who is responsible for sign off on the Design Verification Statement.

Recommendations: Given the content of the Design Guide and the need in some cases to make subjective design decisions, the certification of design principles should be undertaken by a Registered Architect

3.1.3 Building certification system

The ability of the Building Certification System to ensure the standard of development complies with that of the Building Code of Australia is questioned. This is due to previous instances where complying development has been certified without full compliance with established standards and criteria. There is a lack of confidence in the existing system that a robust assessment can be undertaken when involving higher density development proposals.

Recommendation: As detailed in clause 3.1.1, Council's position is that medium density development (except dual occupancies) should be subject of a DA. However should the State Government continue to pursue expansion of the Codes SEPP to include medium density development, it is recommended that the State Government carry out a review of the certification system to date, and consider a tiered approach to low rise medium density development whereby some developments (ie Manor houses and more than 6 consecutive terrace houses) move to the DA pathway.

3.1.4 Consultation

Complying development is subject to very limited form of consultation, namely notification of neighbours, when the complying development application is lodged and prior to construction. There is no opportunity for the community/neighbours to make a submission that is considered as part of the complying development assessment process.

This would result in the community not having a say on development where they currently have the opportunity to make a submission. For example, the Notification section of the Parramatta DCP 2011 outlines the following notification/consultation requirements:

Development	Notification Requirements	Notification Period
Dual Occupancy	Letter to adjoining land owners and occupiers	14 days
Multi-dwelling housing and Residential Flat Buildings (or Manor Houses)	Letter to adjoining land owners and occupiers of 5 properties either side of the development site, any properties on the opposite side of the street, and any surrounding land owners and occupiers whose enjoyment of their land may be detrimentally effected by the development.	21 days
	Notice in local newspaper	
	Notice on Council website	
	Exhibited at Central Library and branch library closest to development site	
	Letter to public authorities which may have an interest	

Recommendation: That Council raise significant objection to the proposal to substantially reduce the current standard of consultation currently experienced by residents for medium density development. Not only will the community no longer have a chance to shape or inform a development outcome/solution but they will also be subject to a more intensive use of land with accompanying overlooking, privacy and other amenity impacts.

3.1.5 Subdivision

Council has fundamental concerns with the Design Guide and proposed amendments to the Codes SEPP, and therefore is not supportive of the proposed changes to the subdivision of these types of development as complying development.

Complying development currently applies to simple types of development where the end-user is commonly the occupant who has a direct relationship with the certifier or building. As result, more emphasis is placed on producing a quality development. It is expected that expanding complying development to include larger development in general, the quality control may be sacrificed due to the loss of personal attachment to the development resulting in a poor urban design outcome. Subsequently, expanding the Codes SEPP to

also include the subdivision as complying development will further remove the end-user from the builder/certifier exacerbating the above issue.

In addition, there will be a longer term impact of the DP&E changes on the ability to amalgamate appropriate development sites that will be caused by subdivision of the proposed development as complying development. The following issues should be considered:

- If the proposed changes are intended to increase housing supply then consideration should be given to prohibiting dual occupancy development in the R3 Medium Density Residential zones to increase the availability of appropriately sized lots for multi-unit type development.
- Some R2 and R3 zoned areas within the CoP may experience upgrading of existing infrastructure or the provision of new infrastructure (ie Light Rail) that may result in these areas being identified for increased densities. At that time, a local development pattern fragmented by subdivided dual occupancy, manor homes and multi-unit housing (terraces) may limit the opportunity to achieve appropriate densities at that time.

Recommendation: That the proposed expansion of the Codes SEPP to enable Torrens Title subdivision of low rise medium density housing not be supported at this stage. As mentioned above, the City of Parramatta is currently undergoing significant land use changes identified through the Greater Parramatta to Sydney Olympic Park Peninsula (GPOP) with associated infrastructure investment (eg. Light Rail and West Metro). The proposed changes to subdivision may have the effect of further fragmenting land which may limit the opportunity to achieve appropriate densities at that time.

3.2 Design issues

Numerous issues are raised from an urban design perspective that relate to built form and amenity.

3.2.1 Comments about the Design Guide

It is considered that the Design Guide in its current form lacks images and diagrams to clearly explain controls. Some diagrams appear simplistic and do not clearly differentiate between vehicular and pedestrian access points to dwellings.

There appears to be some inconsistencies between information contained in chapter 3 of the Design Guide compared with the typical principal development control examples found in Appendix 5 to the Design Guide.

The structure of the Design Guide is of concern in terms of it having different audiences being Councils, developers and certifiers, all with different technical skill levels.

That said, the inclusion of dwelling size and internal room dimensions, as well as tree planting specifications within the Design Guide are all considered positive additions.

Recommendations: Ensure all typology diagrams and examples highlight best practice urban design outcomes.

A number of examples of each typology that have been delivered throughout the Sydney Metropolitan Area should be provided. For example, townhouses and manor homes at Potts Hill (Landcom), and dual occupancy/small lot housing at both Bungarribee and North Penrith.

3.2.2 Manor houses and vertical dual occupancies

The introduction of manor houses and dual occupancy development where units are permitted on the second floor (i.e. vertical dual occupancy) are of particular concern. One feature of the forms of development currently permitted in the R2 Low Density Residential and R3 Medium Density Residential zones is that they promote design responses where the primary living areas (kitchen, dining and living areas) are on the ground floor. Manor houses and vertical dual occupancy both would result in primary living areas being located on second storey levels, which is likely to result in more concerns being raised by adjoining residents/landowners about overlooking / privacy and other amenity impacts.

While screening is now proposed and the Design Guide does state that 'building separation may need to be increased to provide adequate privacy', the complying development standards for primary living area windows would still allow a living area window to be located a maximum of 3m from a boundary. This is likely to lead to the overlooking of adjoining properties private open space with certifiers having to make subjective assessments about what is considered to be 'adequate'.

Recommendation: That manor houses or vertical dual occupancy (where there is a separate unit on the first and second floor) are only considered appropriate in R4 High

Density Residential zones. This is due to the amenity and privacy impacts inherent in having primary living areas above one another in lower density areas.

3.2.3 Multi-dwelling housing requiring a DA

The application of the Design Guide on medium density development requiring a DA is intended to be optional.

It is not proposed that it would automatically override Council's current controls as Council would need to adopt the Design Guide by reference within a development control plan. If Council does not adopt the Design Guide there are no changes to Council's current planning controls.

However, where Council does adopt the Design Guide, it must be adopted in its entirety and the requirements for submission including the Design Verification Statement (a statement by the designer explaining how compliance with the Design Criteria within the Design Guide has been achieved) will apply.

Council currently has concerns with the multi-dwelling housing typologies identified in the Design Guide and its inconsistency with Council's current planning controls relating to the same development. In particular, the following concerns are raised:

- a. Lack of a minimum frontage provided in the Design Guide to guide appropriate access to basement car parking or access to a site containing a significant number of dwellings
- b. Smaller side setbacks that currently identified in the PDGP 2011 creating privacy issues and reducing the ability to achieve vegetation/planting along the edges of development as a screening measure
- c. Lack of a specific quantum of Deep Soil area

Recommendations: Given the above deficiencies with the Design Guide relation to medium density housing requiring a DA, it is recommended that Council retain its current controls until such time that Council consolidates the range of planning controls currently applying to the CoP when the matter can be reviewed again.

3.2.4 Minimum Lot Size and FSR

The development form under the Design Guide proposes an inadequate minimum allotment size and an excessive floor space ratio (FSR) for smaller sites, which will inevitably remove the ability for a landscaped setting to be provided. This will result in inadequate undeveloped space between buildings for the planting of significant trees and an urban canopy. This canopy is essential in the warm climate of Western Sydney, where vegetation is the best available measure to reduce the urban heat island effect.

In addition, the proposed allotment sizes are insufficient to provide appropriate levels of resident amenity to ensure the development is consistent with the local character

Recommendation: Review and amend the proposed minimum lot sizes and FSR for smaller sites in the Design Guide to ensure adequate landscaping and residential amenity is maintained.

3.2.5 Development of Pattern Book for Terrace Housing

Given the blanket approach to density and development types proposed to be carried through the complying development process, Council considers that the development standards contained in the Design Guide are inadequate and would result in much poorer design outcomes particularly regarding the development of multi-unit dwelling (terraces). This is due to the potential amenity concerns for occupants of developments on narrow lots with minimal to no building separation.

Recommendations:

Council suggests the development of a pattern book to demonstrate how terrace housing could be designed. The pattern book could be used not only to get better outcomes for this housing typology by providing more detailed controls and criteria for design of terrace housing (for example taking into account site orientation, impact on room configuration to maximize solar access and cross ventilation), but also as a way of educating the market to ensure development is of a high standard.

3.2.6 Sites without rear lanes

Enabling medium density development on narrow sites without rear lanes will result in an unattractive outlook for the street due to the visual impact of garages or on-site car parking dominating the streetscape.

Recommendation: The Design Guide should only allow smaller allotment sizes where rear laneways are available, or in R3 Medium Density Residential zones.

3.2.7 Side setback controls

Council raises concerns around the small side setback controls, and the number of people in these developments that are potentially impacted by the proposed standards. The small side setback controls also reduce potential for deep soil zones or screening in order to address amenity and overlooking concerns on adjoining neighbours.

Recommendation: The cumulative impact both from the street, internal amenity of the dwellings as well as impact on adjoining neighbours resulting from these smaller setbacks needs further consideration.

3.2.8 Landscaped areas, private open space and deep soil zones

In relation to the complying development standards in the Design Guide, it is considered that they do not make sufficient provision for private open space, landscaped areas and deep soil zones. In addition, the proposed allotment sizes are insufficient to provide appropriate levels of resident amenity to ensure the development is consistent with the local character. Specific concerns with the development standards are highlighted in the attachment to this submission.

Recommendation: DP&E to revisit the proposed provisions for private open space, landscaped areas and deep soil zones after working up some examples to test the

proposed controls. The outcomes should be compared to the current building form in a variety of residential areas of differing character.

3.2.9 Defensive approaches

The Design Guide allows designers to adopt defensive approaches such as privacy screens and highlight windows in order to meet privacy and separation outcomes, which can be easily altered and removed post construction.

Recommendation: Controls should be in line with the Apartment Design Guide, and separation distances specified for the different room types.

3.2.10 Attic spaces

There are no controls around attic spaces for any of the medium density housing types. Roof forms with attic spaces restricted to 25m² per dwelling are common for medium density developments in Parramatta. It is unclear if there is a position with respect to attics wholly located within a roof as opposed to a partial third floor.

Recommendation: That the Design Guide be amended to include controls for attic spaces in the Design Guide.

3.2.11 Definitions

The exhibition documents are inconsistent in their approach to land use terminology making it extremely difficult for the general public in particular to fully understand the implications of the controls. For example, if 'two dwellings side by side' are actually attached or detached single dual occupancies, two dwelling houses or semi attached dwellings, all with no other dwellings above or below, this should be specifically stated whenever that term is used.

Recommendation: Provide clear, consistent and unambiguous definitions for each development typology in the Design Guide and associated documents.

4 Conclusion

Council is fully supportive of improving the design standards and on-the-ground outcomes of low rise medium density housing in NSW, and across the Parramatta LGA. However, it is considered that an iterative process that cannot be controlled by numerical standards is the best way of achieving improvements in built form and streetscape.

The Complying Development system is not considered appropriate for assessing applications for the specified forms of medium density residential development, with the exception of dual occupancies where there are no dwellings above or below another dwelling, for the following reasons:

- » There is effectively no public consultation for development assessed as Complying Development. The current requirements are restricted to neighbour notification when a Complying Development application is lodged.
- » Complying development does not allow for merit assessment of an application and relies on “one size fits all” approach. Numerical compliance in isolation does not facilitate a good urban design outcome.
- » Council assessment of DAs for these types of development provides a low-cost assessment track. Complying Development cannot deliver the level of high quality assessment presently delivered by Councils at a lower cost than councils due to the absence of economies of scale
- » Building certifiers, who generally have backgrounds in building surveying, are often insufficiently qualified to assess subdivisions, dual occupancies, manor houses and multi-dwelling housing.
- » Complying development currently applies to simple types of development where the end-user is commonly the occupant who has a direct relationship with the certifier or building. As a result, more emphasis is placed on producing a quality development. By expanding complying development to include larger developments, quality control may be sacrificed due to the loss of personal attachment to the development, resulting in a poor urban design outcome.
- » There is little market incentive for private certifiers to engage the necessary expertise to allow for a thorough assessment of the development proposal.

Council considered this submission at its meeting of 12 December 2016 and forwarded its response to the Department of Planning and Environment for their consideration. It is noted that DP&E agreed to accept the submission a few days after the formal exhibition closing date to take account of Council's scheduled meeting date.

5 Attachment

ATTACHMENT 2 Council Comments on the Proposed Design Guide Controls and Subdivision controls
Council comments in blue text

1. Two Dwellings Side by Side configuration

Principal Controls (Codes SEPP)	Other Standards	Amenity Standards	General Comments								
<p>Minimum lot size for each dwelling is 200m² and 6m wide</p> <ul style="list-style-type: none">It is noted that a development application will be required where a dwelling does not have a frontage to a road (battle-axe lot) or the development does not comply with the development standards under complying development.The minimum lot size for dual occupancy needs to be reconsidered: Minimum lot size 600m², minimum street frontage 7.5m.Refer to comments relating to Subdivision. <p>Height of Building: 8.5m</p> <ul style="list-style-type: none">Primary Road setback: <p>Where existing dwellings are within 40m – average of two closest dwellings.</p> <p>Where no existing dwellings are within 40m then:</p> <table><tr><td>200-300m²</td><td>3.5m</td></tr><tr><td>>300-900m²</td><td>4.5m</td></tr><tr><td>>900-1500m²</td><td>6.5m</td></tr><tr><td>>1500m²+</td><td>10m</td></tr></table> <ul style="list-style-type: none">The main control is a context based control which is an average of the two closest dwellings. If there are no buildings within 40m of the site, the Design Guide allocates a variable setback control based on the lot size.This may be problematic for shallow and wide sites.	200-300m ²	3.5m	>300-900m ²	4.5m	>900-1500m ²	6.5m	>1500m ² +	10m	<p>Private open space: minimum 16m² with minimum dimensions of 3m excluding storage space.</p> <p>At least one car space per dwelling where provided above ground.</p> <p>Ceiling Height: Minimum finished floor level to finished ceiling level are:</p> <ul style="list-style-type: none">2.7m to ground floor in habitable rooms2.7m to upper level living rooms2.4m to upper level habitable rooms (excluding living rooms)Ceiling heights should be a minimum of 2.7m for all habitable rooms, regardless of whether they are on the 1st, 2nd or attic/ 3rd storey. This can enable ceiling fans to be installed in habitable rooms irrespective of where they are located. <p>On-grade car parking, garages and car ports are setback from the boundary to the primary or</p>	<p>Local character and context</p> <p>Public domain interface</p> <p>Orientation and siting – the minimum separation between two or more buildings on the same lot is 3m.</p> <ul style="list-style-type: none">Privacy screens are used as a mechanism for introducing privacy into a development.The controls seem convoluted and are more about defensive architectural mechanisms as opposed to setting definitive distances.Controls should be aligned with the Apartment Design Guide.Building separation is not explicitly shown or explained. This leaves the subjective assessment of meeting amenity requirements to a certifier.The diagrams need to be clear so that they are understood by a non-designer. <p>Building separation</p> <p>Dwelling size and layout</p>	<ul style="list-style-type: none">Generally the controls for dual occupancies in the guide are less onerous than those in the Parramatta LEP. This may have a significant impact through increased densities in a number of areas.There are no principal development controls in the Design Guide relating to minimum dwelling width. This could be a good way to improve the internal planning of the dwellings along with minimum internal dimensions. The City of Parramatta DCP 2011 states minimum dwelling width is 5m – this ensures good internal planning outcomes. It is recommended that a similar control be included.The implication of the proposed front setback controls on the ability to plant significant trees and landscaping needs to be
200-300m ²	3.5m										
>300-900m ²	4.5m										
>900-1500m ²	6.5m										
>1500m ² +	10m										

<p>What would the concessions be for sites of that nature, and if through a CDC process, how that would be resolved by a certifier?.</p> <ul style="list-style-type: none">The front setback controls for the smaller sites are considered to be small, raising the question about the context in which these would actually be delivered (where there are no buildings within 40m of the site). That said, it is acknowledged that the number of sites this would adversely affect would be small given that the CoP's residential areas are already fairly well established <p>Secondary Road setbacks:</p> <table><tr><td>200-900m²</td><td>2m</td></tr><tr><td>>900-1500m²</td><td>3m</td></tr><tr><td>>1500m²+</td><td>5m</td></tr></table> <p>Side Setbacks: Front half of the lot</p> <ul style="list-style-type: none">up to 15m – 1.2m,if adjoining property is built to boundary – 0m. <p>Rear half of the lot, or distance >15m from front boundary:</p> <ul style="list-style-type: none">Building envelope defined by 45 degree plane projected from a height of 3.6m above the boundary.Generally the side setbacks are less than those contained in the Parramatta DCP.Reconsider side setback: minimum 1m for first 15m and 1.5m thereafter unless adjoining property is built to the boundary in which case a 0 lot setback may be considered.Corner sites 3m side setback along secondary street.Deep soil should be described as a numeric figure, and should be married up with the tree planting	200-900m ²	2m	>900-1500m ²	3m	>1500m ² +	5m	<p>secondary road by:</p> <ul style="list-style-type: none">if the setback of dwelling is less than 4.5m – 1m behind the building lineif the setback of dwelling is less than 4.5m – 5.5mConcern is raised about the garages facing the street and the need to mitigate garage dominant development. It is suggested that garages be setback a minimum 5.5m - ideally 6m, from the street boundary. This also allows casual parking to be located in front of the garage, as well as recesses the garage from the building frontage. Garages should be single bay width only with stacked parking considered if necessary. <p>Dwelling size and layout</p> <p>dwellings are required to have the following min internal areas:</p> <table><tr><td>1 bed</td><td>65m²</td></tr><tr><td>2 bed</td><td>90m²</td></tr><tr><td>3+ bed</td><td>115m²</td></tr></table> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>One bedroom has a min area of 10m² and other bedrooms 9m²</p>	1 bed	65m ²	2 bed	90m ²	3+ bed	115m ²	<p>Solar and daylight access</p> <p>Visual privacy</p> <p>Acoustic privacy</p> <p>Noise and Pollution</p> <p>Universal design</p> <p>Architectural form and roof design</p> <p>Visual appearance and articulation</p> <p>Pools and ancillary development</p> <p>Energy efficiency</p> <p>Waste Management</p> <p>Water Management and conservation</p> <p>Internal streets – pedestrian and vehicle access</p> <p>Tree removal / pruning</p>	<p>carefully considered as well as potential conflicts some controls might have with the tree planting provision.</p>
200-900m ²	2m														
>900-1500m ²	3m														
>1500m ² +	5m														
1 bed	65m ²														
2 bed	90m ²														
3+ bed	115m ²														

control and the built form (setback) controls so as to avoid confusion and potential misalignment.

Rear setback: Where the part of a development has a height of building less than 4.5m

Lot area (m ²)	Setback
200-600	3m
>600-1500	6m
>1500+	15m

Where the part of a development has a height of building 4.5m or more:

Lot area (m ²)	Setback
200-1500	10m
>1500+	15m

- Rear setbacks in the Design Guide are based on the total height of the building and the lot size. This may be problematic for different lot dimensions.
- The Parramatta DCP bases the setback provision off a percentage of length of site.
- It is difficult to compare the two controls as with a percentage control, the resultant dimension varies with each site.

Lane setback – 0m

- Parramatta does not have a 0m setback to laneways but if the design was appropriate it might not be problematic. Recommend reviewing what the potential outcomes are.

Maximum FSR (for each lot)

200-300m ²	0.75:1
>300-400m ²	0.70:1
>400-500m ²	0.65:1
>500m ²	0.60:1

(excl. wardrobe space).

Bedroom to have a minimum dimension of 3m (excl. wardrobe space)

Living room or lounge rooms are to have a min width of 4m (excl. fixtures).

- Appendix 5 of the Design Guide states a lower FSR for two dwellings side by side at 0.55-0.70:1 than it does in chapter 3 - general controls for dual occupancies.
- Generally speaking the proposed FSRs are greater than what is contained in the Parramatta LEP.
- There is more testing needed for the FSR proposed in the Design Guide. The City of Parramatta LGA has areas with a Zoning of R4 (High Density Residential), Height of Building (HOB) of 11m and FSR of 0.8:1. This appears to be the same as the upper end of the medium density building types.

Minimum landscaped area (for each lot)

200-300m ²	20%
>300-400m ²	25%
>400-500m ²	30%
>500m ²	35%

(min width 1.5m)

Landscaped area forward of building line: 25% minimum

- These controls are considered acceptable given tree planting and deep soil provisions.
- The addition of tree specifications in the Design Guide, which are not contained in the Parramatta DCP is supported to increase coverage across the LGA.

2. Manor houses and Dual Occupancy (dwellings on top of each other as well as side by side – dual occupancy attached)

Principal Controls	Other Standards	Amenity Standards	General Comments														
<p>Minimum site area 600m²</p> <p>Minimum frontage 15m</p> <p>Height of building: 8.5m</p> <p>Maximum FSR: >600-700m² – 0.60:1 >700-920 m² – 0.50:1 >920m² – 0.40:1</p> <p>Maximum Height of Building - 8.5m</p> <p>Minimum Landscaped Area: >600-700m² – 30% >700-900m² – 35% >900-1500m² – 40% >1500m² – 45% (min width 1.5m)</p> <p>Landscaped area forward of building line – 25% minimum</p> <p>Primary Road Setback average of dwellings within 40m or: >600-900m² - 4.5m >900-1500m²- 6.5m >1500m² + - 10m</p> <p>Secondary Road setback: >600-1500m² - 3m >1500m² + - 5m</p> <p>Side Setbacks for development site: Front half of the lot up to 15m – 1.5m Rear half of the lot, or distance >15m from front boundary.</p>	<p>Measured from finished floor level to finished selling level, minimum ceiling heights are:</p> <ul style="list-style-type: none">• 2.7m to the ground floor bedrooms• 2.7m to all living rooms• 2.4m to first floor bedrooms <p>Dwelling size and layout: dwellings are required to have the following min internal areas:</p> <table><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bed</td><td>50m²</td></tr><tr><td>2 bed</td><td>90m²</td></tr><tr><td>3+ bed</td><td>115m²</td></tr></table> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p> <p>Private open space: All dwelling are required to have a primary private open space of at least:</p> <table><tr><td>1 bed</td><td>8m²</td></tr><tr><td>2-3+ bed</td><td>12m²</td></tr><tr><td>Ground floor dwellings</td><td>16 m²</td></tr></table> <p>The minimum dimension of the included area is 2m excluding any storage space.</p> <p>Car parking: where parking is provided above ground, at least</p>	Studio	35m ²	1 bed	50m ²	2 bed	90m ²	3+ bed	115m ²	1 bed	8m ²	2-3+ bed	12m ²	Ground floor dwellings	16 m ²	<p>Local character and context</p> <p>Public domain interface</p> <p>Internal streets – vehicle and pedestrian access</p> <p>Orientation and Siting</p> <p>Building separation: the minimum separation between two or more buildings on the same lot is 3m</p> <ul style="list-style-type: none">• Manor houses and vertical dual occupancy both would result in primary living areas being located on second storey levels, which is likely to result in more concerns being raised by adjoining residents/landowners about overlooking / privacy and other amenity impacts.• Whilst screening is now proposed and the Design Guide does state that ‘building separation may need to be increased to provide adequate privacy’, the complying development standards for primary living area windows would still allow a living area window to be located 3m maximum from a boundary overlooking adjoining properties private open space and for certifiers to make subjective assessments about what is	<ul style="list-style-type: none">• As this is a new typology there are currently no controls specifically for this type of housing in the Parramatta DCP 2011.• The introduction of manor houses and dual occupancy development where units are permitted on the second floor (i.e. vertical dual occupancy) are of particular concern. One feature of the forms of development currently permitted in Council’s R2 Low Density Residential and R3 Medium Density Residential zones is that they promote design responses where the primary living areas (kitchen, dining and living areas) are on the ground floor.• Manor houses and vertical dual occupancy would result in primary living areas being located on second storey levels (due to additional dwelling/s being located on the first floor), which is likely to result in more concerns being raised by adjoining residents/landowners about overlooking/privacy and other
Studio	35m ²																
1 bed	50m ²																
2 bed	90m ²																
3+ bed	115m ²																
1 bed	8m ²																
2-3+ bed	12m ²																
Ground floor dwellings	16 m ²																

<p>Building envelope defined by 45° plane projected from a height of 3.6m above the boundary. Note: To avoid fire protection of window and walls, as required under the BCA for this building class, greater separation may be required.</p> <p>Common wall – There are no side setback controls that relate to a common wall – even when subdivision is proposed as part of this development.</p> <p>Rear setback: Where the part of a development has a height of building less than 4.5m</p> <table><tr><th>Lot area (m²)</th><th>Setback</th></tr><tr><td>>600-1500</td><td>6m</td></tr><tr><td>>1500+</td><td>15m</td></tr></table> <p>Where the part of a development has a height of building 4.5m or more</p> <table><tr><th>Lot area (m²)</th><th>Setback</th></tr><tr><td>200-1500</td><td>10m</td></tr><tr><td>>1500+</td><td>15m</td></tr></table> <p>Rear setback for lots with rear lanes: 0m</p> <ul style="list-style-type: none">The side and rear setbacks for these dwellings appear to be generic controls which should not be applied to this typology (ie manor houses and vertical dual occupancy) given the amenity and privacy impacts inherent in having primary living areas above one another in lower density areas.There are concerns that a one storey component of this building type may be permitted with a zero lot setback under the Design Guide.	Lot area (m²)	Setback	>600-1500	6m	>1500+	15m	Lot area (m²)	Setback	200-1500	10m	>1500+	15m	<p>one car space per dwelling. On-grade parking is to be setback from the boundary to the primary or secondary road by:</p> <p>If the setback of dwelling is 4.5m or more – 1m behind building line</p> <p>If the setback of dwelling is less than 4.5m-5.5m</p> <p>The max aggregated garage door width that has frontage to a primary road is:</p> <table><tr><th>Lot width</th><th>Aggregate garage door width</th></tr><tr><td>7.5-12.5m</td><td>3.2m</td></tr><tr><td>>12.5m</td><td>6m</td></tr></table>	Lot width	Aggregate garage door width	7.5-12.5m	3.2m	>12.5m	6m	<p>considered to be 'adequate'.</p> <p>Solar and daylight access</p> <p>Natural ventilation</p> <p>Storage</p> <p>Visual privacy</p> <p>Acoustic privacy</p> <p>Noise and Pollution</p> <p>Universal Design</p> <p>Communal areas and open space</p> <p>Architectural form and roof design</p> <p>Visual appearance and articulation</p> <p>Pools and ancillary dwellings</p> <p>Energy efficiency</p> <p>Water management and conservation</p> <p>Waste management</p> <p>Tree removal / pruning</p>	<p>amenity impacts. It is recommended that Manor houses or vertical dual occupancy (where there is a separate unit on the first and second floor) are only considered appropriate in R4 High Density Residential zones. This is due to the amenity and privacy impacts inherent in having primary living areas above one another in lower density areas.</p>
Lot area (m²)	Setback																				
>600-1500	6m																				
>1500+	15m																				
Lot area (m²)	Setback																				
200-1500	10m																				
>1500+	15m																				
Lot width	Aggregate garage door width																				
7.5-12.5m	3.2m																				
>12.5m	6m																				

3. Terrace Houses

Principal Controls	Design Standards	Amenity Standards	General Comments											
<p>Minimum lot size: each strata lot must not have an area less than 200m²</p> <ul style="list-style-type: none">It is noted that Appendix 5 of the Design Guide states that the minimum lot size can be between 100-150m² depending on access and car parking. <p>Each strata lot must have a width of building line not less than 6m</p> <p>The lot must not be a battle axe lot.</p> <ul style="list-style-type: none">The code does not specify a minimum site frontage.It is assumed it will encourage small narrow sites to achieve terrace style housing without needing to amalgamate with the neighbours. <p>Maximum height of building: 9m</p> <ul style="list-style-type: none">Appendix 5 of the guide has an 8.5m building height for two storey terrace houses.Generally the height controls proposed by the Design Guide are lower than the DCP. This removes flexibility within the site, but gives greater certainty to land owners and neighbours. <p>Primary Road Setback: Average of dwellings within 40m or:</p> <table><tr><td>200-300m²</td><td>3.5m</td></tr><tr><td>>300-900m²</td><td>4.5m</td></tr><tr><td>>900-1500m²</td><td>6.5m</td></tr><tr><td>>1500m²</td><td>10m</td></tr></table> <ul style="list-style-type: none">This is generally less of a setback than current controls, however as this typology has a different	200-300m ²	3.5m	>300-900m ²	4.5m	>900-1500m ²	6.5m	>1500m ²	10m	<p>Building separation: The minimum separation between two or more buildings on the same lot is 3m. Provide a break of 3m between rows of terraces more than 45m long.</p> <ul style="list-style-type: none">It is difficult to ascertain what the minimum separations are between buildings as the control is not worded in that way.The Design Guide takes preference to highlight windows and privacy screens, we do not believe this is acceptable and suggest that the controls be aligned with the ADG as previously mentioned.Any habitable room should offer outlook to person in a seated position as well as daylight. <p>Ceiling height: measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><td>2.7m to the ground habitable rooms</td></tr><tr><td>2.7m to upper level living rooms</td></tr><tr><td>2.4m to first floor bedrooms</td></tr></table> <ul style="list-style-type: none">Ceiling heights should be 2.7m for all habitable rooms, regardless of whether they are on the 1st, 2nd or attic/ 3rd storey. This can enable ceiling fans to	2.7m to the ground habitable rooms	2.7m to upper level living rooms	2.4m to first floor bedrooms	<p>Local character and context</p> <p>Public domain interface</p> <p>Orientation and siting</p> <p>Internal streets – pedestrian and vehicle access</p> <p>Visual privacy</p> <p>Acoustic privacy</p> <p>Noise and pollution</p> <p>Universal design</p> <p>Architectural form and roof design</p> <p>Visual appearance and articulation</p> <p>Pools and ancillary development</p> <p>Energy Efficiency</p> <p>Water management and conservation</p> <p>Waste management</p> <p>Solar and daylight access</p> <p>Natural ventilation</p> <p>Bicycle parking</p>	<ul style="list-style-type: none">There should be a threshold for the number of consecutive terrace houses that can be delivered through a private certifier. It is suggested that 6 consecutive terraces is an appropriate number after which they must be lodged and assessed as a DA.The Design Guide does not discuss a specific quantum of deep soil area. It instead refers to the size and soil volume of trees that need to be planted in both the front and rear setback. It is recommended that the deep soil provision be stated as a numerical control.There is no mention of attic spaces in the controls for the terrace development. This should be provided in the Design Guide.A Pattern Book of how these designs work is strongly recommended– this may be a way of educating the market as well as getting good outcomes for this typology. The Pattern Book will provide
200-300m ²	3.5m													
>300-900m ²	4.5m													
>900-1500m ²	6.5m													
>1500m ²	10m													
2.7m to the ground habitable rooms														
2.7m to upper level living rooms														
2.4m to first floor bedrooms														

street presence, and is typically more urban, it is considered acceptable.

Secondary Road setback

200-900m ²	2m
>900-1500m ²	3m
>1500m ²	5m

Side setback for development site: Front half of the lot up to 15m – 1.2m, or if there is a boundary wall on an adjoining lot – 0m. Rear half of the lot, or distance >15m from front boundary; Building envelope defined by 45° plane projected from a height of 3.6m above the boundary.

- The Design Guide proposes smaller side setbacks than is required in the Parramatta DCP.
- The 45 degree plane that should be projected to determine the side setback needs to be clearly indicated in a diagram as the wording is unclear.

Common wall – there are no side setback controls that relate to a common wall- even when subdivision is proposed as part of this development.

Rear setback: Where the part of a development has a height of building less than 4.5m

Lot area (m ²)	Setback
200-600	3m
>600-1500	6m
>1500+	15m

Where the part of a development has a height of building 4.5m or more

Lot area (m ²)	Setback
200-1500	10m
>1500+	15m

be installed in habitable rooms irrespective of where they are located.

Dwelling size and layout: Dwellings are required to have the following minimum internal areas:

1 bed	65m ²
2 bed	90 m ²
3 + bed	115 m ²

A fourth bedroom and further additional bedrooms increase the min internal areas by 12m² each.

Master bedrooms have a min area of 10 m² and other bedrooms 9m² (excl. wardrobe space)

Private Open Space: All dwellings are required to have a primary private open space of at least 16m² with a minimum dimension of the included area being 3m excluding any storage space.

Storage

Car parking: where above ground at least one space per dwelling.

On-grade car parking is to be setback from the boundary to the primary or secondary road by:

- If the setback of dwelling is >4.5m – 1m behind building line
- If the setback of the dwelling is <4.5m – 5.5m

The max aggregated garage door width that has a frontage to a primary road is:

design guidance for the design of terrace housing with regards to the following matters: (but not limited to) site orientation and optimal room configuration to maximise solar access and ventilation

- A minimum rear setback of 6m is recommended for the basement car park style terraces to enable decent sized planting, co-located deep soil and increased privacy.

Rear setbacks for lots with rear lanes: dwelling house and ancillary development may abut the rear boundary for a maximum width of 7m.

- This differs substantially from Parramatta's DCP controls.
- Need clarification as to whether this is when the building fronts the laneway, or applies to any part of the building that addresses the laneway.
- Query whether this is appropriate for all variations of terrace housing (e.g. basement car park terrace housing).

Maximum FSR (for each lot)

200-300m ²	0.80:1
>300-400m ²	0.75:1
>400-500m ²	0.75:1
>500m ²⁺	0.70:1

- Appendix 5 of the Design Guide provides much lower FSR's than are provided in Chapter 3.

Minimum Landscaped Area (for each lot)

200-300m ²	20%
>300-400m ²	25%
>400-500m ²	30%
>500m ²⁺	35%

(Min width 1.5m)

Landscaped area forward of building line: 25% minimum

- Generally less than the Parramatta DCP currently states. Previous comments apply.
- The Design Guide does not set out a minimum quantum of deep soil area.

Lot width	Aggregate garage door width
7.5-12.5m	3.5m
>12.5m	6m

- The Parramatta DCP provides different variables for the provision of car parking based on proximity to public transport. There is a potential for the number of car spaces to increase based on the Design Guide's guidelines in areas that are close to train stations.
- The DCP also extrapolates the number of car spaces into different unit sizes.
- Basement car parking should not extend beyond building footprint as this would reduce deep soil on site.
- For DAs the Design Guide refers to the DCP, and then provides a minimum if it is not specified in the DCP. This would mean that Parramatta's parking provisions would remain in place.
- The current DCP provisions require visitor parking to be accommodated off street. It is strongly recommended that visitor parking is not accommodated in the basement as it skews building costs at the cost of above ground work creating a quasi-RFB solution.
- Ideally medium density housing should consider simpler surface based car parking systems.
- Where basement ramps are used they are minimised to reduce street frontage and presentation.

<ul style="list-style-type: none">• Instead there is reference to the size and soil volume of trees that need to be planted in both the front and rear setback.• The addition of tree specifications in the Design Guide, which are not contained in the Parramatta DCP is strongly supported to increase coverage across the LGA as there is often a lack of significant tree planning in these types of developments in particular.			
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4. Multi-dwelling housing and master planned communities (townhouses and villas) – NOTE: This type of development can not be carried out as complying development. A Development Application is required for consent. Strata subdivision can be carried out as complying development

NOTE: It is recommended that Council not adopt the Design Guide for developments requiring a DA and therefore retain its current controls until such time that Council consolidates the range of planning controls applying to the CoP when the matter can be reviewed again. However the following comments are provided for consideration by the DP&E as part of Council's submission.

Principal Controls	Design Standards	Amenity Standards	General Comments			
<p>Building Envelopes: controls found in the LEP and DCP that applies to the land including height of buildings and front, rear and side setbacks..</p> <p>Floor Space Ratio: refer to LEP or DCP that applies to the land.</p> <p>Landscaped Area: Refer to the LEP or DCP that applies to the land for minimum areas. Where the DCP or LEP does not provide a landscaped area, then the minimum landscaped area is 30% of the development site.</p> <ul style="list-style-type: none">Tree planting: 1x medium tree front and rear, deep soil planting. Available soil area 35sqm (deep soil).	<p>Building separation: The minimum separation between two or more buildings on the same lot is:</p> <ul style="list-style-type: none">where a wall height is less than 7.5m – 3m.where a wall height is 7.5m or greater – 6m <p>Ceiling height: measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><td>2.7m to the ground floor bedrooms</td></tr><tr><td>2.7m to all living rooms</td></tr><tr><td>2.4m to first floor bedrooms</td></tr></table> <p>Dwelling size and layout: Dwellings are required to have the following minimum internal areas:</p>	2.7m to the ground floor bedrooms	2.7m to all living rooms	2.4m to first floor bedrooms	<p>Local character and context</p> <p>Public domain interface</p> <p>Internal streets – pedestrian and vehicle access</p> <p>Orientation and siting</p> <p>Solar and daylight access</p> <p>Natural ventilation</p> <p>Storage</p> <p>Bicycle parking</p> <p>Visual privacy</p> <p>Acoustic privacy</p> <p>Noise and pollution</p> <p>Universal design</p> <p>Communal areas and Open Space</p> <p>Architectural form and roof design</p> <p>Visual appearance and articulation</p> <p>Pools and ancillary development</p> <p>Energy Efficiency</p>	<ul style="list-style-type: none">Needs a clearer definition of what this type of dwelling actually is.Appendix 5 of the Design Guide suggests much smaller side setbacks than contained in the Parramatta DCP. This may have implications for the privacy of dwellings to the side boundary, and reduces the ability to achieve vegetation along the edges of the development as a screening measure.There is a control for ground floors being no higher than 1.3m above natural ground level (NGL) and excavation being no more than 1m below NGL. This may result in a scenario of up 2.3 metres of level changes between the finished floor levels in the open areas - a poor outcome on a sloping site. This would be further worsened should
2.7m to the ground floor bedrooms						
2.7m to all living rooms						
2.4m to first floor bedrooms						

1 bed	65m ²
2 bed	90m ²
3 + bed	115m ²

A fourth bedroom and further additional bedrooms increase the min internal areas by 12m² each.

One bedroom has a min area of 10m² and other bedrooms 9m² (excl. wardrobe space).

Bedrooms have a min dimension of 3m (excl. wardrobe space).

Living rooms or combined living/dining areas are to have a min width of 4m (excl. fixtures).

Private Open Spaces: All dwellings are required to have a primary private open space of at least 16m² with a minimum dimension of the included area being 3m excluding any storage space.

Car parking: to be provided at the rate required within a DCP that applies to the land. If there is no rate in a DCP:

- Residential: 1 space per dwelling
- Visitor: 1 space per 10 dwellings (where development has 10 or more dwellings).

Water management and conservation

Waste management

an opaque safety fence be provided. The control should be modified to no more than 1.3 m between finished levels on sloping sites and no opaque fences.

5. Subdivision as Complying Development under the Codes SEPP

An expansion of Part 6 – Subdivision Code within the Codes SEPP is proposed as follows:

- » an amended clause 6.1 would include the strata subdivision of dual occupancies where a complying development certificate was issued under the proposed new Medium Density Housing Code in the Codes SEPP. Strata subdivision of other dual occupancies would remain a development application due to the complications arising from previous consents and varied approaches to dual occupancy across NSW.
- » a new Division 2 in Part 6 of the Codes SEPP is proposed to allow for concurrent Torrens title subdivision and dwelling house consent where a complying development certificate is issued.

Specified Development	Development Standards	Comments
<p>The Torrens title subdivision of land for the purpose of a dwelling house, attached dwelling or semi-detached dwelling is development specified in the code where:</p> <ul style="list-style-type: none"> (a) The land is zoned R1, R2, R3 and RU5, and a dual occupancy or multi-dwelling housing is permissible on the land, and (b) A single complying development certificate is issued for the concurrent subdivision under this division and erection of two or more dwellings under the Medium Density Housing Code (c) At the completion of the development there is only on dwelling house on each lot. <p>The creation of any street, road or land or lot for any other purpose other than a dwelling house is not development specified for this Code.</p>	<p>The standards specified for that development are:</p> <ul style="list-style-type: none"> (a) that a subdivision certificate is not to be issued until the dwelling is suitable for occupation or use in accordance with its classification under the Building Code of Australia and an interim occupation certificate has been issued <p>[Note: this is currently part of the test for issue of an occupation certificate under cl109K in the EP&A Act. In this instance final finishing, painting, floor finishes, fitting of fixtures and landscaping may still need to be completed. The intent of this standard is to stop speculative subdivision and ensure the dwelling house is completed. By allowing an interim occupation certificate to be issued, it will ensure the registration of the title will not holdup the completion of the development].</p> <ul style="list-style-type: none"> (b) each lot must have a frontage to primary, secondary or parallel road (c) any lot created must have a minimum dimension of at least 6m (d) any lot created must have an area of at least: <ul style="list-style-type: none"> a. 50% of the minimum lot area specified for a dual occupancy in an environmental planning 	<ul style="list-style-type: none"> • At this stage, Council still has fundamental concerns with Design Guide and proposed amendments to the Codes SEPP and therefore is not supportive of the proposed changes to the subdivision of these types of development as complying development. • Complying development currently applies to simple types of development where the end-user is commonly the occupant who has a direct relationship with the certifier or building. As result, more emphasis is placed on producing a quality development. It is expected that expanding complying development to include larger development in general, the quality control may be sacrificed due to the loss of personal attachment to the development resulting in a poor urban design outcome. Subsequently, expanding the Codes SEPP to also include the subdivision as complying

	<p>instrument that applies to the land; or</p> <p>b. Where there is no minimum lot size for dual occupancy specified in an environmental planning instrument 60% of the minimum lot size or 200m² whatever is the greater.</p> <p>Note: for the purposes of this Part, a battle axe lot is not considered to have a frontage to a road, even if the access handle has a width of 6m.</p>	<p>development will further remove the end-user from the builder/certifier exacerbating the above issue.</p> <ul style="list-style-type: none">• In addition, there will be a longer term impact of the DP&E changes on the ability to amalgamate appropriate development sites that will be caused by subdivision of the proposed development as complying development. The following issues should be considered:<ul style="list-style-type: none">- If the proposed changes are intended to increase housing supply then consideration should be given to prohibiting dual occupancy development in the R3 Medium Density Residential zones to increase the availability of appropriately sized lots for multi-unit type development.- Some R2 and R3 zoned areas within the CoP may experience upgrading of existing infrastructure or the provision of new infrastructure (ie Light Rail) that may result in these areas being identified for increased densities. At that time, a local development pattern fragmented by subdivided dual occupancy, manor homes and multi-unit housing (terraces) may limit the opportunity to achieve appropriate densities at that time.
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