15 February 2016

Codes and Approval Pathways

Department of Planning and Environment

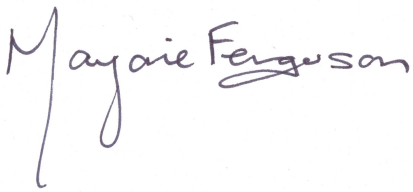
GPO Box 39

Sydney NSW 2001

The Planning Institute of Australia, NSW Division welcomes the opportunity to comment on the Options for Low Rise Medium Density Housing as Complying Development Discussion Paper and proposed amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The attached submission has been prepared by NSW members of the Planning Institute of Australia (PIA NSW).

Should you wish to discuss any aspects of our submission please contact the Institute at nswmanager@planning.org.au in the first instance.

Yours sincerely



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THE MISSING MIDDLE: PIA RESPONSE to Draft issued for public consultation.

Introduction

Background

The Planning Institute of Australia (PIA) is the peak body representing professionals involved in planning Australian cities, towns and regions. The Institute has around 4,500 members nationally and around 1,300 members in New South Wales. PIA NSW plays key roles in promoting and supporting the planning profession within NSW and advocating key planning and public policy issues.

In November 2015 the Department Planning and Environment issued a Discussion Paper (Volume 1) and a Background Paper (Volume 2) on The Missing Middle - Options for Low Rise Medium Density Housing as Complying Development.

The Discussion Paper explores the possibility of introducing Complying Development for Low Rise Medium Density Housing. For the purpose of this paper the Department has considered the following types of medium density forms: terraces, townhouses, manor homes, and dual occupancies.

The paper states that there is a 'policy gap' for medium density housing at State level and that while medium density housing is permitted in many areas of NSW it is not permitted as Complying Development. The stated aim of making some low rise medium density complying development is 'to assist in providing more housing; greater choice and better design outcomes in NSW. The benefits of addressing the missing middle are listed as

- improving the quality of the housing provided;
- providing greater certainty to the approval process;
- promoting housing choice to meet different needs;
- streamlining the approval process for medium density housing; and
- achieving better design outcomes.

The Planning Institute of Australia, NSW Division welcomes the opportunity to comment on the Options for Low Rise Medium Density Housing as Complying Development. This submission has been prepared by NSW members of the Planning Institute of Australia (PIA NSW).

Context

Over the last few years there has been much discussion both locally (see for example Homes for All by The Committee for Sydney) and globally about the inability of the planning system to deliver a range of housing types, especially those that met changing diverse demographic needs. Traditionally Australian cities have focused on delivering medium to high density apartments and low density houses. This is a serious problem as not all single/dual person households wish to live in apartments and not all families are seeking a large detached family home.

A good illustration of this has been the limited terrace and townhouse developments delivered in the last 10 years compared to high density dwellings. *Profile.id* states that in 2011 Greater Sydney has almost the same proportion of medium density dwellings (19.7%) as high density dwellings (20.7%) which contrasts with the Australia averages of 73.8% (detached), 17.0% (medium density), and 7.6%(high density). The proportion of high density development is also increasing as between 2006-2011 Greater Sydney added almost 40,000 new high density dwellings but only approximately 24,000 medium density dwellings.

The Discussion Paper notes the following:

"The need to accommodate a range of dwelling types to meet metropolitan housing strategies is well documented. In the Sydney metropolitan area it is estimated that the population will grow by 1.6 million people by 2031. Metropolitan Sydney alone needs 664,000 additional dwellings by 2031 in a range of housing forms across the demographic and social spectrum.

This increased housing supply needs to:

- provide variety to ensure a choice in housing options across age groups – this means providing housing in a variety of sizes;
- comprise different types of housing in different locations – a city of housing choice with homes to meet the needs and lifestyles of the population;
- increase the supply of housing types – this will assist in providing housing to suit lifestyle and budget;
- be located in areas that are both greenfield and established areas to help people live closer to family, friends, work places, schools and services;
- address affordability – smaller and different housing types will contribute to a greater level of affordability;
- support ageing in place;
- respond to decreasing household sizes and emerging household groupings; and
- maximise land development and provide opportunities for adaptation or redevelopment in areas already benefiting from access to good infrastructure and services."

PIA's position (summary)

The Institute is delighted that the government has recognised these significant gaps in the range of housing types that are currently being delivered and is seeking to find ways to promote housing choice and improve the approval process for medium density housing. We are also pleased to see that the government is also committed to improving the quality of the housing provided and achieving better design outcomes.

PIA considers the initiatives outlined in the discussion paper should successfully achieve some of the stated benefits, namely providing greater certainty to the approval process and streamlining the approval process for medium density housing. We also consider that they may go part of the way towards promoting housing choice that meets different needs and creates different housing types.

PIA is not confident that complying development in accordance with the standards outlined in the Discussion Paper will achieve better design outcomes or improve the quality of the housing provided. PIA has recommended amendments to provisions in relation to site suitability and certain development standards that address this issue, but also recommends the production of a 'pattern book' demonstrating examples of high quality design solutions to various types of development for various site conditions to assist in influencing design quality for complying developments.

Furthermore PIA is concerned is that the overly generic approach that is currently proposed could potentially create a similar situation to the one that occurred in the 1990's when dual occupancies were widely permitted across NSW. In our experience the community is quick to recognise poor quality design solutions in their neighbourhoods and if they associate medium density development with poor quality design, there is a risk that there will be a backlash and the opportunity to increase the diversity of housing types may be set back once again.

Effective planning controls are judged on more than just the speed with which they allow development to occur. Effective planning controls also ensure better design outcomes and improved design quality. PIA considers that some dual occupancy and even some manor house and up to 4 terraces/ townhouses may be able to be delivered through Complying Development. However 5-10 town houses and terrace houses are unlikely to be able to be effectively delivered in this way.

We also recommend that the 'one size fits all' approach should be moderated with higher impact medium development (two - three storey town houses and terrace houses) and manor houses focused in areas of high amenity and accessibility (i.e. within 400m of: shops, bank service providers and other retail and commercial and schools, community services and the practice of a general medical practitioner; or within 400 metres from regular reliable public transport service that can access these services within 15min travel).

PIA is also aware that development conditions across NSW are not consistent. In some parts of Sydney the minimum lot size is 200m2 while in others 600m2, or even 1,000m2 is not unusual. As the surrounding context will be different, the impact of new smaller dwellings and smaller lots will also vary significantly. Even in areas with similar sized lots, there is variety of lot shapes and sizes. Some blocks are triangular, others are long and thin or wide and narrow. The slope of the land and the age of the subdivision also play a part in the character of our suburbs. The local vegetation and other infrastructure such as parks, transport, schools and employment, play an important role. It is recommended that the Department test the controls on a wide variety of site shapes and sizes and provide a pattern book that illustrates acceptable solutions for a range of varying conditions, not just assume everything is on a flat, regular shaped block.

Two and three storey town houses and terraces, while excellent and efficient forms of housing, are very different to the other dwelling types and require a more site specific approach .For terrace houses and town houses it is recommended that Councils create a masterplan for areas suitable for medium design housing and enabled through either 'customised' CDCs based on detailed and consultative locality based strategic planning (rather than generic standards) or alternatively a fast track DA process.

PIA has addressed the key aspects of the options as outlined below.

01 General comments

- The importance of context
- Reviewing delivery and enforcement
- Matching needs with housing
- Future challenges

02 Detailed review of the options proposed

- into 2 dwellings
- into 3-4 dwellings
- into 3-10 dwellings

03 Tables

01 General comments

The importance of context

- A well-known planning principle is that of focusing increased density towards areas of increased amenity. Some parts of a town or city are well located with good access to open space, public transport, schools, shops and employment. These areas provide good opportunities for active transport (walking and cycling) and few barriers to access to services and jobs. These are the areas where increased density is desirable. Other parts of the city have poor amenity and increasing the density in these areas could lead to a concentration of disadvantage. Allowing increased density generically across NSW in a particular zone such as Zone R2 (low density residential) is too broad, and further filtering to determine eligible sites is recommended.
- Applying the underlying FSR standard applicable for the surrounding area under the LEP to the site is strongly recommended as FSR varies across the State and increases the chances that the development will be more compatible with the local context.
- Successful medium density recognises the context, the size of surrounding lots, the slope of the land and shape of the site and the landform. A pattern book that identifies a range of typical site issues and how they should be addressed is recommended. The pattern book should demonstrate medium density development with high quality design that are also affordable.
- Indeed, PIA suggests that this pattern book be prepared in advance of finalising the development standards that will be applied to any new forms of medium density complying development. This will ensure that the proposed standards are appropriate to a range of site conditions, not just 'flat, regular shaped' sites.
- The pattern book will also provide guidance on how to design high quality buildings in conformance with the development standards. The concern with any form of complying development is that it can potentially lead by poor quality 'design by numbers'. Designers who see good examples of complying development may be influenced to those designs which may

hopefully lead to a generally better quality of design outcomes for medium density complying development.

Reviewing delivery and enforcement

- There are issues with private certification of development which need to be addressed before the Complying Development process is extended more widely. A process needs to be established where the private certifier is independently appointed so that there is separation between their role (assessing if a scheme complies) and payment.
- Reform of the private certification system is needed to ensure that private certifiers are acting in the best interest of the community and not their client.
- The department will also need to identify how and when council will be able to collect Section 94 contributions for these types of development, which are likely to require the provision of or increase the demand for public amenities and public services within the local area. For example if a 4 bedroom dwelling is replaced by two 3 bedroom and one 2 bedroom dwelling, this is likely to more than double the population housed on the site. Where such development has the potential to occur in a more ad hoc fashion, particularly if 10 terrace houses can occur on virtually any low density zones site, it will be difficult to determine the rate of population growth, estimate required public services and plan for infrastructure delivery and the timely expenditure of funds. This makes it particularly difficult for Councils to formulate Section 94 Plans that require a nexus to be established
- In terms of implementation, in order to avoid a potential 'permissibility gap' the SEPP should specify these development types (i.e. dual occupancy, manor house, terrace house) as permissible with development consent in the specified zones (similar to the Infrastructure SEPP). This is to ensure that if a proposal does not comply with one or more of the standards that would allow it to be complying development, it can still be considered through the mechanism of a development application rather than being prohibited.

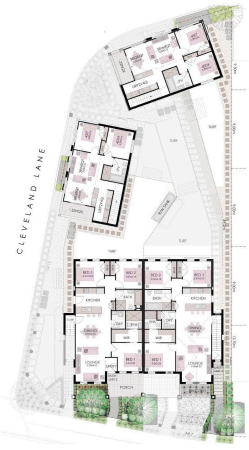
Matching needs with housing

- A major challenge for affordability of medium density housing is the cost of construction. Detached dwellings (project homes) can be built very cost effectively, often for under $1,000 per m2 and yet much of our medium density is built closer to $4,000 per m2 (more comparable with apartment development than the low cost of detached housing). In many areas, construction costs around the $1,500-2,000 per m2 are needed to encourage medium density development. A key component in cost is basement parking (approx. $40,000 per car space). If parking can be kept on ground level the costs are substantially reduced.
- With an ageing population there is also a need for medium density housing that provides parking at the same level as the dwellings. The single level villa is missing from these controls but is highly sort after by the community. Level access between dwelling and

parking is also a requirement for adaptable housing (in situations where there is no lift)

- There is also an overall preference in the community for Torrens titled properties as they provide greater independence on how the dwelling is managed, adapted and used. Management of small strata titled properties (say between 2-6 dwellings) can also be problematic. Typically developments with basement parking must be strata subdivided. Terrace houses with garaging directly off the street (front loaded) like the example below from Thornton Penrith can be Torrens titled.

- The manor house is a useful dwelling typology. A single building that contains 3-4 dwellings (manor homes) provides for smaller households and can provide accessible, ground level living. If it is built as two storeys without basement parking it can have simple and cost effective construction. The manor home can be designed to have a similar look and feel of a large house and every dwelling can have a separate front door at ground level. Manor houses have been recently built at Thornton at Penrith (see below). This example had 4 units in the main dwelling and 2 additional dwellings over two separate 3 car garages. Expanding this typology as a way of adapting large existing detached housing into apartments may also be an effective way of increasing density in our suburbs.



02 Detailed review of the options proposed

1 lot into 2 dwellings

The discussion paper defines this category as development resulting in 2 dwellings (dual occupancies) on a single lot with a minimum lot size of 400m2. The dwelling types considered in this category are:

- Side by side (semi-detached or attached dual occupancy);
- One behind the other (attached or detached dual occupancy); and
- One on top of the other (traditional duplex form).

Following are PIA's recommendations in relation to these categories, however as indicated above, we believe that prior to finalising appropriate standards for each category, a pattern book approach should be undertaken to confirm the appropriateness of standards to a range of site conditions.

PIA Recommendations - General

- PIA strongly supports the comment "*This paper does not provide recommendations for 2 detached single dwelling houses to be carried out as complying development on a single lot."* Detached dual occupancies (one behind each other) are more likely to encroach on rear setbacks and impact on neighbouring privacy.
- It is recommended that any development in the rear 1/3 of the block is single storey only. This is to address the expectation of greater privacy and less overshadowing in rear gardens or neighbouring properties.
- It is recommended that dual occupancy (in the form of semi-detached or attached dual occupancy or duplex form) should not exceed the current maximum FSR for the zone. This will assist in ensuring that medium density development is not substantially larger than development in the surrounding area and that the controls create smaller dwellings that will meet predicted demographic demands (i.e. smaller households) and improved affordability.
- Single storey development of this type should be permitted in all R1 and R2 zones. This would increase the amount of small single level dwellings suitable for ageing in place.
- Two storey development of this type should be permitted in all R1 and R2 zones subject to further filtering to ensure suitability of the site for increased density.
- It is recommended that the R4 High Density Residential and the R3 Medium Density zone be excluded as these lands are typically zoned to facilitate higher density development and the zone objectives may be undermined if land in these zones were permitted to be further fragmented by development at a lower density.

PIA Recommendations – Detailed

Primary Standard

- A minimum lot size of 400m2 is supported with the proviso that the 400m2 is the nett site area after any road widening/ foreshore setback etc is excluded.
- A minimum frontage of 15m (but preferably 16m) is supported.
- A reduction to 12.5m for attached dual occupancy (one behind each other) and duplexes is not supported. With car access down a side driveway there is a need to turn within the site and exit in a forward direction [and this cannot be achieved within 12.5m without encroaching on landscape setbacks on both sides of the dwelling. A minimum of 14m is recommended.
- A reduction to 12.5m for corner lots and/or lots with vehicular access off a rear lane is supported as these lots have greater flexibility for access.

Design Standards

- Building height - A maximum building height of 8.5m or the maximum building height permitted under the LEP, whichever is the greater, is supported.
- Minimum floor to ceiling height - A minimum floor to ceiling height of 2.7m for habitable rooms is supported. For two storey developments the minimum floor to ceiling height of the second floor can be 2.4m provided this area does not exceed 50% of the total dwelling size.
- Attic rooms - Attic rooms should not be permitted as these create a poor quality environment in a hot climate.
- Front setback - A minimum front setback of 4.5m or the average of the setback of adjoining existing development, whichever is the greater, is supported.
- Garage or carport structure – A setback a minimum of 1.0m behind the front setback (i.e. 5.5m) is supported as this provides a second car space in front of the garage. No car parking **structure** should be provided forward of this setback. A single garage (max width 3m) and single cross over should be the maximum provided on all lots < 12.5m. For affordability reasons parking must not be provided underground, unless the site conditions dictate that this is the only or most appropriate solution for parking provision.
- A minimum rear setback of 6.0m or 25 per cent of the average of the side boundary lengths, whichever is the greater, is supported. No car parking or car parking structures are to be permitted in the rear setback unless the site has rear lane access.
- A minimum side setback of 1,200mm and 45 degree building envelope is recommended.
- A minimum driveway setback of 1.0m from a side boundary is recommended.

- Private open space at ground level should have a minimum area of 36m2 not 24m2, with a minimum length and width dimension of 4.0m. This ensures that the expectation in the Discussion Paper (that the ground level private open spaces would be well in excess of the minimum areas in the Apartment Design Guide) are achieved. Usable private open space areas should be located to the rear (to maximise privacy) and/or over the northern portion of the site (to maximise solar access).
- Private open space provided in the form of a balcony that is the only private open space for a dwelling is to have a minimum area of 12.0m2 with a minimum width of 2.4m is supported.

Amenity Standards

- It is recommended that the standard be amended to read: windows with sill levels less than 1,500mm above a floor level that is more than 1.0m above ground level must be screened if they are less than 3.0m from a **side or rear** boundary. Where possible, windows that enable 'looking out' create a higher quality environment.
- It is recommended that the minimum car parking requirements are reviewed. The Guide to Traffic Generating Developments only identifies two types of development, dwelling houses (one house on one lot) or medium density residential flat buildings (which is defined as a building containing at least 2 but less than 20 dwellings and includes villas, town houses, flats, semi-detached houses, terrace or row houses and other medium density developments). The car parking requirements for medium density flat buildings are complex (1 space per unit +1 space for every 5 x 2 bedroom unit +1 space for every 2 x 3 bedroom unit +1 space for 5 units (visitor parking)) and the requirement to avoid reversing movements into or out of public streets (except in the case of individual dwelling houses). It is recommended that development of up to 4 lots should allow tandem parking, and no requirement for visitor parking where it can be shown that spaces are available on the street in front of the dwellings.
- Trees play an important role in creating amenity and mitigating the impact of the urban heat island effect. The proposed controls are not supported and it is recommended that a separate consent is required unless the tree (a) has a height of less than 5m; or (b) has a canopy spread of less than 5m; or (c) has a trunk diameter of less than 300mm, measured at ground level; and (d) is not listed on a significant tree register or register of significant trees
- It is recommended that where possible, Torrens title subdivision of a lot with a dual occupancy is made available as small strata subdivisions are less flexible and difficult to manage effectively. It is agreed that subdivision should not be permitted until the building has been constructed and that the minimum lot size for subdivision is 200m2 (excluding any access handle in a battle axe subdivision) and with frontage to a public road.

1 lot into 3-10 dwellings (Manor home)

This category is defined as development of 3-4 dwellings on a single lot. It notes the manor home definition was first introduced in the Western Sydney Growth Centres and refers to a 2 storey residential building with 4 dwellings. The paper proposes slightly amending the definition to refer to a 2 storey building containing 3-4 dwellings.

PIA Recommendations - General

- PIA strongly supports the introduction of the manor house typology into medium density options and agrees that "the resulting building mass would be of a typical domestic scale".
- PIA agrees that Strata title subdivision would be appropriate for this type of development.
- It is recommended that any development in the rear 1/3 of the block is single storey only. This is to address the expectation of greater privacy and less overshadowing in rear gardens or neighbouring properties.
- PIA supports the amendment that complying development refers to a 2 storey building containing 3-4 dwellings although it is also suggested that an additional subsidiary dwelling should be allowed over the garaging on a corner site or where the site is rear loaded.
- It is recommended that manor houses should not exceed the current maximum FSR for the zone. This will assist in ensuring that medium density development is not substantially larger than development in the surrounding area and that the controls create smaller dwellings that will meet predicted demographic demands (i.e. smaller households) and improved affordability. For example, development of a 600m block with an FSR of 0.6:1 would create three 3 bedroom apartments of approximately 120m2 each.
- Development of this type should be permitted in all R1 and the R3 Medium Density zones provided that the site is subject to further filtering to ensure eligibility, taking into consideration the slope of the land, existing trees and access to facilities.
- It is recommended that the R4 High Density Residential is excluded as these lands are typically zoned to facilitate higher density development and the zone objectives may be undermined if land in these zones were permitted to be further fragmented by development at a lower density.

PIA Recommendations – Detailed

Primary Standard

- A minimum lot size of 500m2 is not supported. However a minimum lot size of 600m2 is supported with the proviso that this is the nett site area after any road widening/ foreshore setback etc is excluded.
- A minimum site frontage of 15m is not supported as this doesn't allow for driveway access to the rear or to a basement. A

minimum frontage of 17-18 metres is supported for a single direction driveway and 20m for a two way driveway.

- A reduction to 15m for corner lots or lots with vehicular access off a rear lane is supported as these lots have greater flexibility for access.
- It is supported that waste storage must comply with the DCP.
- It is recommended that a similar approach to On-site Stormwater Detention (OSD) to that of detached dwellings should be applied to manor houses, as the FSR and site coverage should be similar.

Design Standards

- Building height - A maximum building height of 8.5m or the maximum building height permitted under the LEP, whichever is the greater, is supported.
- Minimum floor to ceiling height - A minimum floor to ceiling height of 2.7m for habitable rooms is supported.
- Attic rooms - Attic rooms should not be permitted as these create a poor quality environment in a hot climate.
- Front setback - A minimum front setback of 4.5m or the average of the setback of adjoining existing development, whichever is the greater, is supported.
- Garage or carport structure – A minimum setback a minimum of 1.0m behind the front setback (i.e. 5.5m) is supported. No car parking structure should be provided forward of this setback. For affordability reasons underground parking should be avoided unless the site conditions dictate that this is the only or most appropriate solution for parking provision. For this reason side or rear loaded lots are preferable for Manor Houses.
- A minimum rear setback of 6.0m or 25 per cent of the average of the side boundary lengths, whichever is the greater, is supported. No car parking or car parking structures are to be permitted in the rear setback unless the site has side or rear lane access.
- A minimum side setback of 1.5m is supported.
- A minimum driveway setback of 1.0m from a side boundary is supported.
- Private open space at ground level with a minimum area of 24m2 with a minimum length and width dimension of 4.0m is supported. Usable private open space areas should be located to the rear (to maximise privacy) and/or over the northern portion of the site (to maximise solar access).
- Private open space provided in the form of a balcony that is the only private open space for a dwelling is to have a minimum area of 12.0m2 with a minimum width of 2.4m is supported.
- It is recommended that the minimum car parking requirements are reviewed. (See earlier comments on The Guide to Traffic Generating Developments)
- It is supported that any excavation proposed for a car park basement must comply with all boundary setback requirements and any excavation greater than 1.0m in depth for car parking will require

certification by a geotechnical engineer that is a member of Engineers Australia.

- At a minimum, any basement would be set back 2.0m from side boundaries, 4.5m from the front boundary and at least 6.0m from the rear boundary providing ample area within which to manage excavation impacts.

Amenity Standards

- An articulation zone is supported but the standard should be changed to **"Any building articulation elements are not to encroach more than 1.8m into the street setback or occupy more than 30 per cent of the site frontage".**
- It is recommended that the standard be amended to read windows with sill levels less than 1,500mm above a floor level that is more than 1.0m above ground level must be screened if they are less than 3.0m from a **side or rear** boundary. Where possible windows that enable 'looking out' create a higher quality environment.
- The standard on parking should require cars to enter and leave the site in a forward direction unless it is located on a corner/rear loaded site.
- Trees play an important role in creating amenity and mitigating the impact of the urban heat island effect. The proposed controls are not supported and it is recommended that a separate consent is required unless the tree (a) has a height of less than 5m; or (b) has a canopy spread of less than 5m; or (c) has a trunk diameter of less than 300mm, measured at ground level; and (d) is not listed on a significant tree register or register of significant trees.
- We agree that Torrens title subdivision of manor home development should not be permitted and that strata subdivision should only be permitted after the building has been constructed.

1 lot into 3-10 dwellings (Terrace and Townhomes)

The discussion paper defines this category as development of 3 multi-dwelling housing forms (e.g. terraces and townhouses), and/or a combination of development types resulting in 3-10 dwellings on a single lot. It notes that it may involve a mix of development types including dual occupancy, a manor home and terrace form dwellings.

PIA Recommendations - General

- PIA is strongly of the belief that providing between 5-10 dwellings on a single lot cannot be successfully addressed under the proposed generic Complying Development provisions. Terrace houses are a very different urban form and the change of scale and density is so significant that it must be addressed through a consultative, evidenced based strategic planning process or otherwise via detailed application process which allows the neighbouring properties affected to review and comment.
- PIA believes that only up to 4 terraces/ townhomes may be able to be addressed through complying development.
- PIA strongly recommends that this part of the controls is amended to read as “up to 4 dwellings on one site” and the following comments are based on this assumption.
- Strata title subdivision would be appropriate for this type of development, however Torrens title would be preferable as this has greater flexibility and would avoid the need for a strata management. For the terrace houses to be Torrens titled they require separate walls (so each dwelling could be demolished or redesigned in the future) and no basement parking.
- It is recommended that any development in the rear 1/3 of the block is single storey only. This is to address the expectation of greater privacy and less overshadowing in rear gardens or neighbouring properties.
- It is recommended that terrace houses should not exceed the current maximum FSR for the zone. This will assist in ensuring that medium density development is not substantially larger than development in the surrounding area and that the controls create smaller dwellings that will meet predicted demographic demands (i.e. smaller households) and improved affordability. For example development of a 900m block with an FSR of 0.7:1 would create four x 3 bedroom terrace houses.
- Development of this type should be permitted in all R1 and R3 Medium Density zones provided that this scale of development does not undermine more intensive development.
- It is recommended that the R4 High Density Residential is excluded as these lands are typically zoned to facilitate higher density development and the zone objectives may be undermined if land in these zones were permitted to be further fragmented by development at a lower density.

Primary Standard

- Torrens Title Terrace – front loaded -
  A minimum lot size of 900m2 is supported for up to 4 dwellings and the proviso that this is the nett site area after any road widening/ foreshore setback etc is excluded.
  A minimum frontage of 24m for 3 terraces houses or 31m for 4 terraces is supported. This allows for 7m wide terraces with 1.5m side setbacks.
- Torrens Title Terrace – rear loaded
  A minimum lot size of 650m2 is supported for up to 4 dwellings and the proviso that this is the nett site area after any road widening/ foreshore setback etc is excluded.
  A minimum frontage of 18m for 3 terraces or 23m for 4 terraces is supported. This allows 5m wide terraces with 1.5m side setbacks.
- It is supported that waste storage must comply with the DCP.
- It is recommended that Site Stormwater Detention (OSD) is designed so that each lot (approx. 200smq) manages its own stormwater.

Design Standards

- Building height - A maximum building height of 9.5m or the maximum building height permitted under the LEP, whichever is the greater, is supported.
- Minimum floor to ceiling height - A minimum floor to ceiling height of 2.7m for habitable rooms is supported.
- Attic rooms - Attic rooms should not be permitted as these create a poor quality environment in a hot climate however a 3rd floor that is no more than 50% of the level below and does not increase overshadowing of neighbouring properties to less than 2hours mid winter is supported.
- Front setback
  Front loaded - A minimum front setback of 4.5m or the average of the setback of adjoining existing development, whichever is the greater, is supported.
  Rear loaded - A minimum front setback of 3.5m or the average of the setback of adjoining existing development, whichever is the greater, is supported.
- Garage or carport structure
  Front loaded - A setback a minimum of 1.0m behind the front setback (i.e. 5.5m) is supported. No car parking structure should be provided forward of this setback. For affordability reasons underground parking should be avoided unless the site conditions dictate that this is the only or most appropriate solution for parking provision. For this reason side or rear loaded lots are preferable for terrace houses/townhomes.
  Rear loaded - A minimum setback a minimum of 1.0m off the laneway is supported. No car parking structure should be provided forward of this setback.
- It is recommended that the minimum car parking requirements are reviewed (See earlier comments on The Guide to Traffic Generating Developments)

- Front setback
  Front loaded terrace - A minimum rear setback of 6.0m or 25 per cent of the average of the side boundary lengths, whichever is the greater, is supported. No car parking or car parking structures are to be permitted in the rear setback unless the site has side or rear lane access.
  Rear loaded terrace - A minimum rear setback of 1.0m to the laneway is to be provided. A minimum 6m separation should be provided between garaging/carport and dwelling.
- A minimum side setback of 1.5m (not 2m) is supported.
- A minimum driveway setback of 1.0m from a side boundary is supported.
- Private open space at ground level with a minimum area of 24m2 with a minimum length and width dimension of 4.0m is supported. Usable private open space areas should be located to the rear (to maximise privacy) and/or over the northern portion of the site (to maximise solar access).
- It is supported that any excavation proposed for a car park basement must comply with all boundary setback requirements and any excavation greater than 1.0m in depth for car parking will require certification by a geotechnical engineer that is a member of Engineers Australia.
- At a minimum, any basement would be set back 2.0m from side boundaries, 4.5m from the front boundary and at least 6.0m from the rear boundary, providing ample area within which to manage excavation impacts.

Amenity Standards

- An articulation zone is supported but the standard should be changed to **"Any building articulation elements are not to encroach more than 1.8m into the street setback or occupy more than 30 per cent of the site frontage".**
- It is recommended that the standard be amended to read windows with sill levels less than 1500mm above a floor level that is more than 1.0m above ground level must be screened if they are less than 3.0m from a **side or rear** boundary. Where possible windows that enable 'looking out' create a higher quality environment.
- The standard on parking should require cars to enter and leave the site in a forward direction unless it is located on a corner/rear loaded site.
- Trees play an important role in creating amenity and mitigating the impact of the urban heat island effect. The proposed controls are not supported and it is recommended that a separate consent is required unless the tree (a) has a height of less than 5m; or (b) has a canopy spread of less than 5m; or (c) has a trunk diameter of less than 300mm, measured at ground level; and (d) is not listed on a significant tree register or register of significant trees.
- For the type of terrace housing outlined above (up to 4 front or rear loaded) Torrens title subdivision would be preferable to strata subdivision but should only be permitted after the building has been constructed.

Additional comments on terrace houses

As indicated above it is not considered advisable to deliver a very different type and intensity of development such as the one indicated by changing one lot into up to 10 dwellings through complying development. However if this occurs we have the following comments/recommendations:

- The Discussion Paper proposes a minimum internal separation of 6.0m between dwellings in the same development as demonstrated in Figure 27. This is not adequate as it fails to allow for private open space at the ground level (min 4m deep) and also assumes habitable rooms on the first floor have high or obscure windows. A minimum of 9m, but preferably 12m, is required.
- The image below illustrates a well laid out terrace/ townhouse development of 10 dwellings. The site is over 2,000sqm, the site frontage is approximately 32m and the two rows of townhouse are 12m apart.

- The Discussion Paper does not identify different controls for terraces/townhouses on corner sites, but this is clearly an important issue. Corner terrace house can have a different design and locate car parking, entries, and landscaped open space in a different way. They also need to be designed to turn the corner and address both streets. An example of a terrace house development at Thornton, Penrith is shown below.

Potential additional category of development

PIA suggests that consideration should be given to another form of medium density development as either development with consent or potentially complying development. This is the existing dwelling house conversion. We suggest this as an alternative form of manor house, enabling existing dwellings to be converted to 3 - 4 separate dwellings even if the existing dwelling does not necessarily meet some or all of the development standards applicable to a new dwelling. This is to cover the potential gap that would come about if a new building could be developed as manor housing on one site, whereas an existing dwelling house next door to it could not be converted to a manor house simply because the existing building did not comply with say one of the setback controls for complying development.

03 Tables

1 lot into 2 dwellings

	Discussion Paper	PIA Recommendation
Min Lot size	400sqm	Agreed
Minimum frontage	12.5m (detached form) 15.0m (semi-detached form)	12.5m (corner site) 14.0m (detached form) 16.0 (semi detached form)
Maximum building height	8.5m and 2 storeys (no attic rooms)	Agreed
Minimum front setback	4.5m or the average of the adjoining setbacks, whichever is the greater	Agreed
Minimum floor to ceiling height	2.7m	For two storey dwellings the minimum floor to ceiling height of the second floor can be 2.4m provided this area does not exceed 50% of the total dwelling size
Garage/parking setback	1.0m behind the front setback	Agreed - garages and carports to be 1.0m behind the front setback
Rear setback	Minimum of 6.0m or 25% of the average of the length of the side boundaries, whichever is greater	Agreed

Minimum side boundary setback	900mm and comply with a building envelope measured at a height of 5.5m at the side boundary and projected at 45 degrees	1.2m and a building envelope measured at a height of 5.5m at the side boundary and projected at 45 degrees
Minimum landscaped area	30% of the site area	Agreed
Minimum width of landscaped area	1.5m	Agreed
Minimum driveway setback	1.0m	Agreed
Minimum private open space	24m2 and minimum dimension of 4.0m for ground level 12m2 and minimum depth of 2.4m if provided as a balcony	36m2 and minimum dimension of 4.0 for ground level 12m2 and minimum depth of 2.4m if provided as a balcony

1 lot into 3-4 dwellings		
	Discussion Paper	PIA Recommendation
Min Lot size	500sqm	600sqm
Minimum frontage	15.0m	17-18m (general) 12.5 (corner site)
Maximum building height	8.5m and 2 storeys (no attic rooms)	Agreed
Minimum front setback	4.5m or the average of the adjoining setbacks, whichever is the greater	Agreed
Minimum floor to ceiling height	2.7m	Agreed
Garage/parking setback	1.0m behind the front setback	Agreed - garages and carports to be 1.0m behind the front setback
Rear setback	Minimum of 6.0m or 25% of the average of the length of the side boundaries, whichever is greater	Agreed
Minimum side boundary setback	1.5m	Agreed
Minimum landscaped area	30% of the site area	Agreed
Minimum width of landscaped area	1.5m	Agreed

Minimum driveway setback	1.0m	Agreed
Minimum private open space	24m2 and minimum dimension of 4.0m for ground level 12m2 and minimum depth of 2.4m if provided as a balcony	Agreed

1 lot into up to 4 dwellings

	Discussion Paper	PIA Recommendation
No of dwellings	3-10	Up to 4
Min Lot size	600sqm	900sqm (front loaded(650sqm (rear loaded)
Minimum frontage	18.0m	24/31m (front loaded) 18/23sqm (rear loaded)
Maximum building height	8.5m and 2 storeys (no attic rooms)	9.5m and 2 storeys with partial 3 storey (no attic rooms)
Minimum front setback	4.5m or the average of the adjoining setbacks, whichever is the greater	4.5m (front loaded) 3.5m (rear loaded)
Minimum floor to ceiling height	2.7m	Agreed
Garage/parking setback	1.0m behind the front setback	Agreed - garages and carports to be 1.0m behind the front setback
Rear setback	Minimum of 6.0m or 25% of the average of the length of the side boundaries, whichever is greater	Agreed
Minimum side boundary setback	1.5m	Agreed
Minimum landscaped area	30% of the site area	Agreed
Minimum width of landscaped area	1.5m	Agreed
Minimum driveway setback	1.0m	Agreed
Minimum private open space	24m2 and minimum dimension of 4.0m for ground level 12m2 and minimum depth of 2.4m if provided as a balcony	Agreed but the balcony provision shouldn't apply as all dwellings will have ground level open space.