

Attachment 2. Council report and minutes of 06 June 2018 (Min. 175, C06/18-106)

Item No: C06/18-106

LOW RISE MEDIUM DENSITY HOUSING CODE IMPLICATIONS FOR CUMBERLAND

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: HC-23-04-39
Community Strategic Plan Goal: *A resilient built environment*

SUMMARY

An amendment to State Environmental Planning Policy (Exempt and Complying Development Code) 2007 (SEPP) was recently released by the NSW Department of Planning (DP&E). This amendment, due to commence on 6 July 2018, introduces a Low Rise Medium Density Housing Code (the Code), which allows dual occupancies, manor houses and terraces as complying development in the R1, R2, and R3 residential zones where permitted under a Council's Local Environmental Plan (LEP).

This report recommends that Council write to the Minister for Planning requesting a deferral of the commencement on the Low Rise Medium Density Housing Code as it applies to Cumberland.

RECOMMENDATION

That Council write to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland until a new Housing Strategy and draft Cumberland comprehensive Local Environmental Plan is completed, consistent with the deferral granted to other Councils.

REPORT

Background

The Department of Planning and Environment (DP&E) released the new *Low Rise Medium Density Housing Code* (the Code) and an associated Design Guide in April 2018. These documents were accompanied by an amendment to the Standard Instrument (LEP) which introduced two new terms: manor houses and terraces. Manor houses are a type of multi dwelling housing that consists of three or four dwellings within in a two storey building. Terraces are a form of attached multi dwelling housing where all dwellings generally face the street.

The Code permits manor houses and terraces as complying development wherever multi dwelling housing is permitted. Multi dwelling housing is permitted in the R3

Medium Density Residential zones under *Auburn LEP 2010*, *Holroyd LEP 2013* and *Parramatta LEP 2011*. Multi dwelling housing is also permitted in the R1 General Residential zone under the *Parramatta LEP 2011*.

The Code also applies to the development of dual occupancies (detached or attached) within the R1 General, R2 Low Density and R3 Medium Density Residential zones.

Dual occupancies, manor houses and terraces which meet the specific requirements of the Code will be able to be determined by Council or private certifiers as fast-track complying development applications, without community input or merit assessment of design and impacts. The Code sets new development standards including minimum lot size requirements, setbacks, minimum landscaped area, car parking and vehicle access requirements.

The development must meet the minimum lot size requirements under the Council LEP, and if the LEP does not specify lot sizes, the Code's standards will then apply. In the case of Cumberland, minimum lot size controls are contained in the Parramatta LEP 2011, however for the remainder of the LGA, lot size controls are located in the Development Control Plans (DCPs). This will result in the minimum lot size being inconsistent across different low density areas of Cumberland.

Dual Occupancies

Overall, the Code lowers the lot standards for dual occupancies as complying development and increases potential population densities in the R2 Low Density Residential zone. The Code sets a minimum 400m² lot area and a minimum 12m lot width for complying dual occupancy development. The Parramatta LEP specifies a minimum 600m² lot area which will continue to apply under the Code. The minimum lot area under the Auburn and Holroyd DCPs is 450m² and 500m² in R2 zones respectively. These DCP controls will not apply for complying development and the Codes standard of 400m² will apply. All three DCPs currently specify a minimum width of 15m for dual occupancy development (refer to Attachment 1- Summary of Provisions for Dual Occupancies).

In reviewing the Code, Council's planners have undertaken modelling and testing of the minimum requirements set out in the Code. A number of concerns and inconsistencies have been identified, including that careful design is required to ensure adequate and suitable dwelling size/layout and landscaped area within an allotment with a minimum 12m frontage. The car parking and vehicle access requirements under the Code further restricts the dwelling layout on 400m² a lot with 12m frontage. Under the Gross Floor Area criteria stated in the new Code the maximum FSR equivalent is 1:1 for a 400m² lot, 0.85:1 for a 500m² lot and 0.8:1 for a 550m² lot. This is 30%-100% higher than the FSR density controls under the three LEPs and represents an increase in stormwater run-off and parking demand in areas that have not been planned for such. There is also concern about the inconsistency of this standard with the minimum landscaped area and setbacks requirements.

Manor Houses / Terraces

The Code sets a minimum 600m² lot size and minimum 15m lot width for manor houses; and a minimum 600m² lot size and minimum 18m lot width for terraces. These dwelling types will be allowed in the zones where multi dwelling housing is permitted. Therefore, under the Code, all R3 Medium Density Residential zones within Cumberland LGA will accommodate manor houses and terraces as complying development, subject to them meeting the requirements of the Code. The maximum FSR achievable for manor houses is 0.7:1, and 0.8:1 for terraces, based on a minimum lot area requirement.

Issues for Cumberland

As shown on the attached map (Attachment 2), the Code would potentially permit additional dwellings and increase population in low density residential areas that are not well supported by infrastructure. Attachment 2 contains a series of maps which show all land with a lot size of 400m² or greater; land with lot size 500m² and greater; and land with a lot size of 600m² and greater, to give some indication of the extent of the area to which these provisions may apply across Cumberland. Low density suburban areas such as Pemulwuy, Auburn south, Regents Park east or Greystanes where services and public transport are less available have the potential to be impacted significantly with the introduction of this Code. Roads, transport and social infrastructure are currently planned for a population based on low population density. The provisions of the Code will permit dual occupancies as complying development on allotments which are up to 100m² smaller than Council's current DCP controls with larger building capacity and residential population, which could result in cumulative impacts on surrounding areas, particularly in terms of pressure on, and capacity of, existing infrastructure such as roads, open space, hospitals and schools.

Council has exceeded its dwelling targets under the *Plan for Growing Sydney* and is likely do so again under the *Central City District Plan* and the current *Greater Sydney Region Plan – A Metropolis of Three Cities*, by providing for housing concentrated around centres with good access to infrastructure and services. By facilitating certain types of development as complying development which can be assessed on a fast-track timeframe, the Code has the potential to impact on the character of Cumberland's Residential zones.

Council is preparing a new Comprehensive LEP over the next 2 years, including a Residential Housing Strategy and Local Strategic Planning Statement which identifies local character and consideration of how and where future housing density increases should occur. Whilst the Code seeks to provide housing diversity it is likely to permit these medium density housing types across low density areas at a higher rate, ahead of any planning for associated State and local infrastructure.

COMMUNITY ENGAGEMENT

There are no consultation processes for Council associated with this report, as the Code has been prepared by the NSW State government, and is due to come into force on 6 July 2018. Council's website will be updated to reflect any significant change, such as this, and information will be provided to Council's customer service and call

centre staff to assist in answering enquiries. Should Council wish to seek, and be granted, a deferred commencement of the Code provisions, these updates would be undertaken at an appropriate time ahead of the changes coming into force.

POLICY IMPLICATIONS

There are significant policy implications for Council associated with this report. The report recommends that Council seek a deferral of the commencement of the Code so that Council can develop a new Residential Housing Strategy and form a policy position on minimum allotment size for dual occupancies.

Should Council either not seek, or not be granted a deferred commencement of this Code, then the changes will commence on 6 July 2018. An anticipated effect of this is that where applications for these types of developments do not comply with the Code, a Development Application will then be required, and there will be a significant gap between the numerical standards of the Code (to which many such applications will have been designed) and Council's DCP controls for these types of development, particularly dual occupancies.

RISK IMPLICATIONS

There are minor risk implications for Council associated with this report. The report recommends Council seek a deferral of the commencement of the Code; however it is possible that a deferral may not be granted. A meeting with senior staff at the Department of Planning and Environment will be sought to further discuss Council's position, concerns and inconsistencies identified in the Code and Guidelines.

One of the likely outcomes of the Code, is a reduction in scrutiny and regulation of these low-rise forms of medium density development, with the Code permitting compliant applications to be assessed by private certifiers, rather than Development Applications which are assessed by Council's planners.

FINANCIAL IMPLICATIONS

There are minor financial implications for Council associated with this report. However, as the Code will permit certain types of medium density development as complying development which can be assessed by private certifiers, there may be some reduction in income from Development Applications fees annually. Any such reduction is not anticipated to be significant at this stage, given the volume and varied scale of Development Applications which Council assesses each year.

CONCLUSION

Due to the cumulative impact of the Low Rise Medium Density Housing Code on Council's R2 and R3 zoned land, this report recommends that Council prepare a letter to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland. A deferral would enable Council and the State government to plan the infrastructure necessary to support growth and would also enable Council to substantially progress the preparation of the Cumberland comprehensive LEP and DCP with the development of a Residential

Housing Strategy including minimum lot sizes for dual occupancies in Low Density Residential zones.

ATTACHMENTS

1. Summary of Provisions for Dual Occupancies
2. Lot Size Maps

**DOCUMENTS
ASSOCIATED WITH
REPORT C06/18-106**

Attachment 1

**Summary of Provisions for Dual
Occupancies**

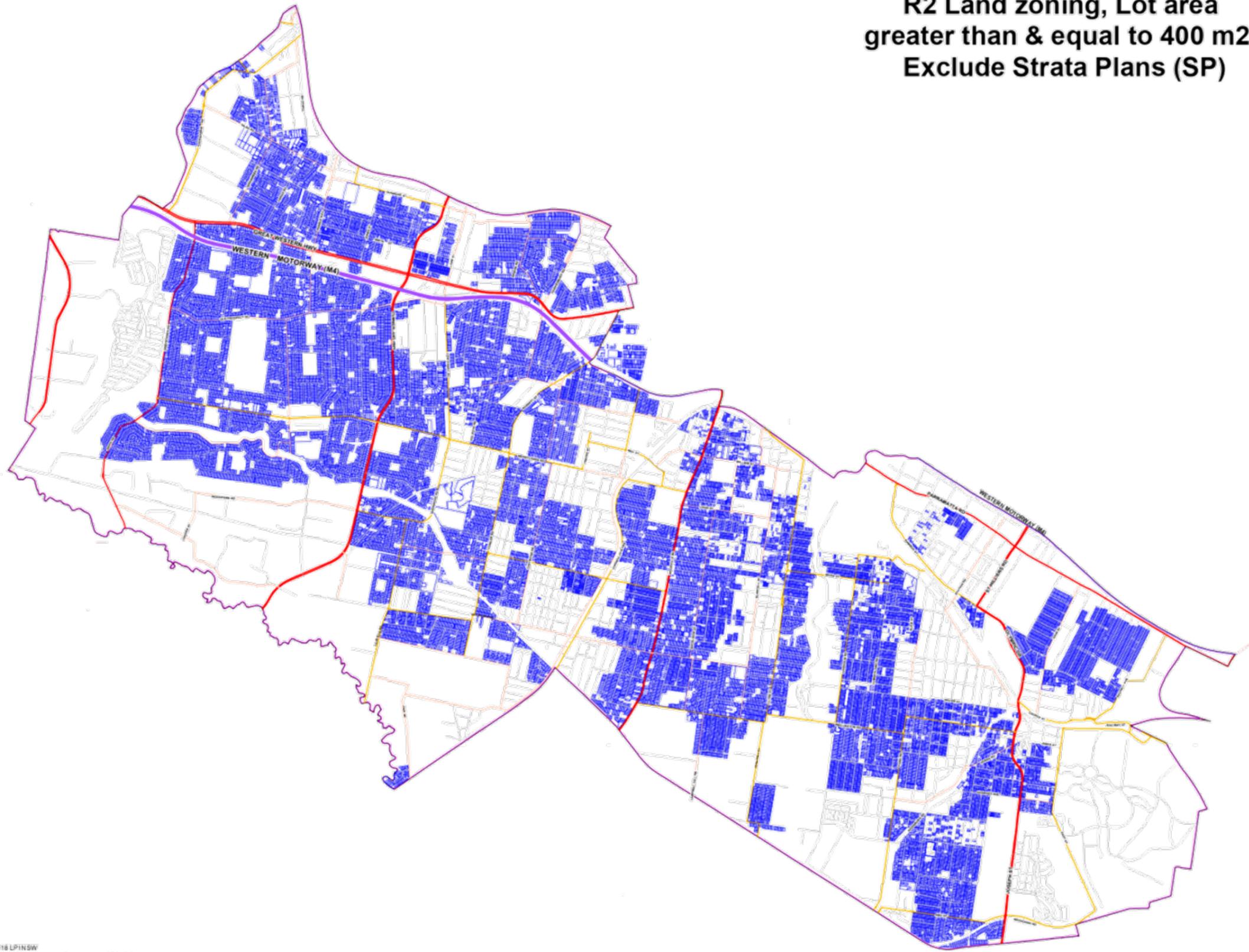
Attachment 1 - Summary of Provisions for Dual Occupancies

| Dual Occupancies | | | | |
|---|--|--|--|---|
| Planning Controls | SEPP Low Rise Medium Density Housing | Auburn LEP/DCP | Holroyd LEP/DCP | Parramatta LEP/DCP |
| Min. Lot Area | 400m ² | 450m ² | 500m ² in R2, 450m ² in R3 | 600m ² (*6.11 of LEP) |
| Min. Site Width | 12m | 15m | 15m | 15m |
| Max. Building Height | 8.5m / (2) storey | 9m/(2) storey | 9m/(2) storey | 9m/(2) |
| Max. GFA | 25% of lot area + 300m ² (typically 0.75:1 - 1:1) | 0.6:1 in R2 zone 0.75:1 in R3 zone | 0.5:1 in R2 zone 0.7:1 in R3 zone | 0.5:1 in R2 zone 0.6:1 in R3 zone |
| Setback (Primary) 400-900m ² | Adjoining or 4.5m | 5.5-6m | 6m | 5-9m |
| Setback (side) | 0.9m for 12-24m | 0.9m | 0.9m | 1.5m |
| Setback (rear) | 3m for 400-900m ² with a height <4.5m, 8m for 400-900m ² with a height ranges 4.5-8.5m | 10m | min. 30% of site length (typically 10m - 12m) | min. 30 % of site length (typically 10m - 12m) |
| Setback (secondary street <900m ²) | 2m | For corner allotments, 3m (secondary street frontage) if >12m wide, 2m if <12m wide | For corner allotments, 4m (secondary street frontage) | For corner allotment, 3m (secondary street frontage) 30% of the site area |
| Min. Landscaped (deep soil) area and width | 50% of lot area minus 100m ² 25% of frontage area min. 1.5m width | 30% of the site area (Deep Soil zone) min. 0.9m width | 20% on lots <600m ² 25% on lots >600m ² min. 2m width | (deep soil zone) min. 2m width |
| Min. Principal private open space | 16m ² min. 3m width | 50m ² per dwelling min. 5m width | 15% of site area (typically 60m ² - 100m ²) Principal area of 16m ² - min. 4m width | 100m ² and 6m min. 6m width |
| Min. Car parking | Parking space max. 2 spaces per dwelling (Lots with less than 15m frontage require car parking at rear) | Single width garage at the front 1 space per dwelling (garaged) | 2 spaces per dwelling (1 covered) | 1 space per dwelling <125m ² 2 spaces per dwelling >125m ² |

**DOCUMENTS
ASSOCIATED WITH
REPORT C06/18-106**

**Attachment 2
Lot Size Maps**

**Scenario 1 -
R2 Land zoning, Lot area
greater than & equal to 400 m²,
Exclude Strata Plans (SP)**



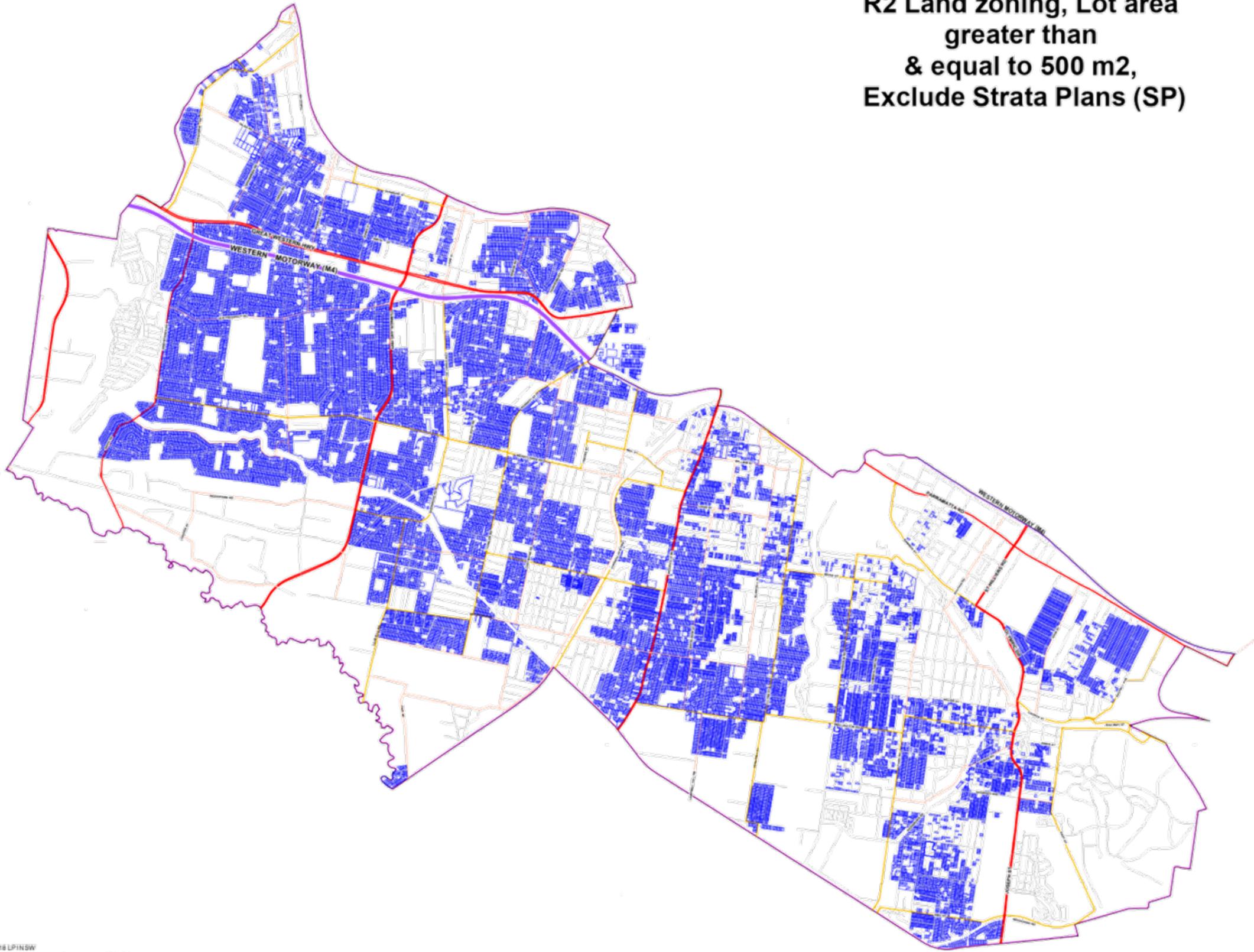
Legend

- R2 Land zoning, Lot area greater than & equal to 400 m²; Exclude Strata Plans (SP)
 - Cadastre
 - Cumberland Council Boundary
- Road Classes By RMS**
- Motorway
 - State Road
 - Regional Road
 - Collector Road
 - Local Road



Esri
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**Scenario 2 -
R2 Land zoning, Lot area
greater than
& equal to 500 m²,
Exclude Strata Plans (SP)**

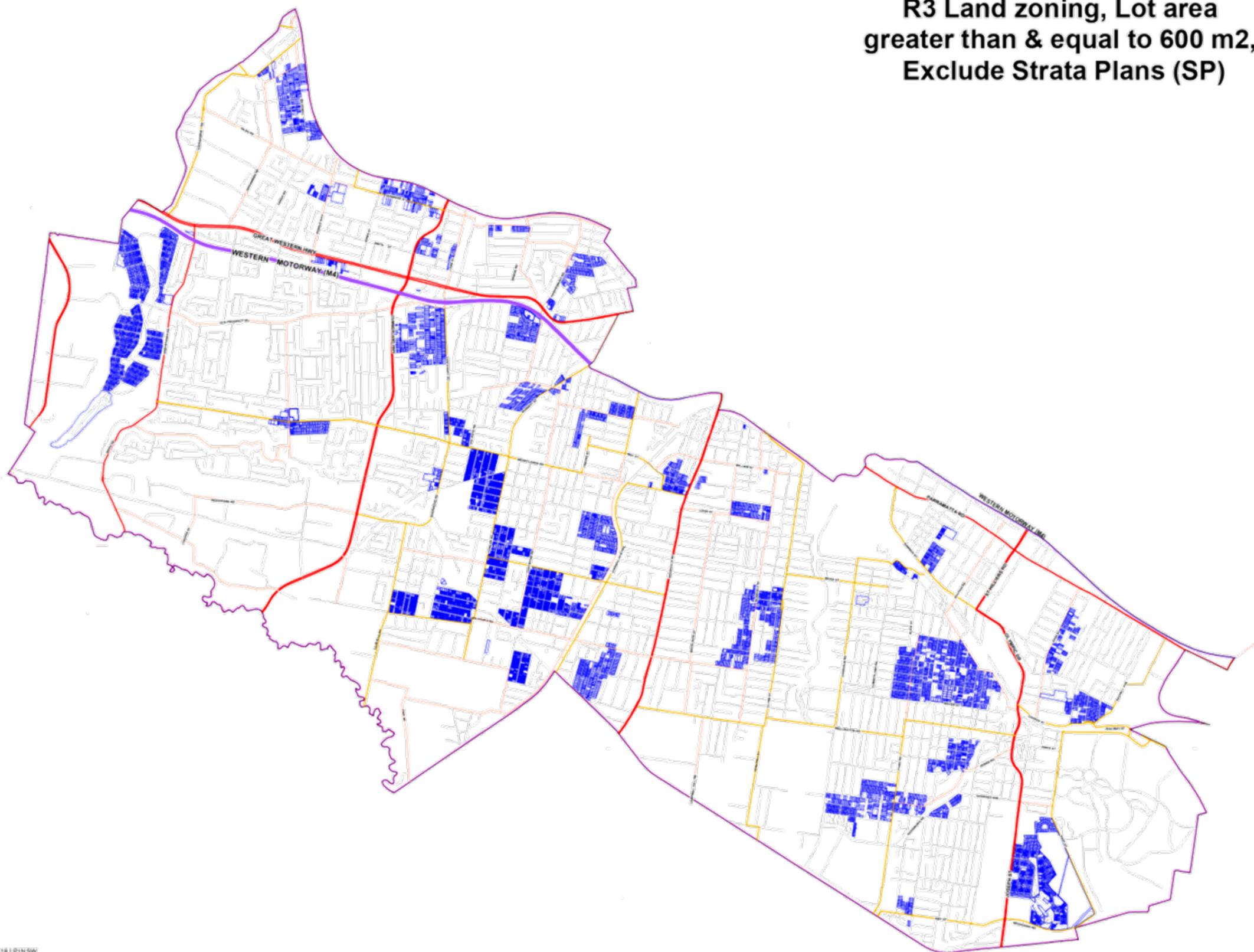


- Legend**
- R2 Land zoning, Lot area greater than & equal to 500 m²; Exclude Strata Plans (SP)
 - Cadastre
 - Cumberland Council Boundary
- Road Classes By RMS**
- Motorway
 - State Road
 - Regional Road
 - Collector Road
 - Local Road



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**Scenario 3 -
R3 Land zoning, Lot area
greater than & equal to 600 m²,
Exclude Strata Plans (SP)**



Legend

R3 Land zoning, Lot area greater than & equal to 600 m²; Exclude Strata Plans (SP)

Cadastre

Cumberland Council Boundary

Road Classes By RMS

- Motorway
- State Road
- Regional Road
- Collector Road
- Local Road



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C06/18-104 Adoption of the Asbestos Policy

This item was dealt with earlier in the meeting.

**C06/18-105 Report on Submissions Received for Companion
Animals Advisory Committee**

This item was dealt with earlier in the meeting.

**Min.175 C06/18-106 Low Rise Medium Density Housing Code Implications
for Cumberland**

Resolved (Sarkis/Elmore)

That Council write to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland until a new Housing Strategy and draft Cumberland comprehensive Local Environmental Plan is completed, consistent with the deferral granted to other Councils.

Carried Unanimously

**Min.176 C06/18-107 Notice of Motion - Granville Train Disaster Memorial
Service**

Resolved (Hamed/Elmore)

That Council:

1. Work with the Granville Train Disaster Association to coordinate the delivery of future annual Granville Train Disaster Memorial Services, noting that in-kind support to the value of \$10,000 is already being provided in 2019 under the Community Grants Program, which covers:
 - a) Events management and logistical services including marquee, chairs, public address system and staff to set up and take down the equipment;
 - b) Traffic management and temporary closure of Carlton Street and Bold Street Bridge, Granville for the event; and
 - c) Provision of the Granville Town Hall and refreshments.
2. Write to Parramatta City Council requesting financial assistance with sharing the cost of holding the service.