



Lane Cove Bushland & Conservation Society Inc

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Submission by the Lane Cove Bushland and Conservation Society Inc (LCB&CS) to the Medium Density Design Guide and the Medium Density Housing Code

The Lane Cove Bushland and Conservation Society (LCB&CS) has been advocating for the environment and other social amenities for 45 years not only in Lane Cove but also in the wider community.

Basic Tenent

The LCB&CS agree with the need for more medium density housing as providing the missing link between individual houses and multi storey unit complexes, but we have concerns and objections to the location, form of delivery as outlined in the document on exhibition, and concerns with some of the details in the Design Guide.

Location

The Design Guide is not transparent as to where this type of development can occur. It is only found in the Explanation of Intended Effect under sub section 1.5, Permissibility where the intent is defined as:-

Further it is proposed to restrict Complying development to R1, R2, R3 and RU5 land use zones. R4 land Zoned is excluded as typically large scale residential flat buildings are anticipated in this zone.

We oppose the inclusion of R1, R2 and RU5 zoned land as being able to accommodate medium density housing.

Medium density housing development must only be allowed on R3 zoned land. This may necessitate the expansion of this zoning by Councils within their LEPs, but the decision should remain with Council as has been outlined in a number of areas in the Design Guide as well as in the Information Note 1 provided by the GSC on General Information on Draft District Plans:-

Local environment plans will continue to determine whether development is permitted or prohibited on land.

The Design Guide also refers to this decision being made by Councils and not the development lobby:-

Support Councils in developing planning controls and master plans through improved guidance.(Page 10 Section 1.1)

Councils will use this section to help them establish precinct plans and principal controls.(Page 11 Section 1.2)

The purpose of this Design Guide is intended to inform the strategic planning of a local area and assist Councils and communities to determine the future form of development in the area. Part 2 provides specific guidance for developing local controls.(Our underlining)(Page 12, Section 1.3)

The Design Guide is intended to help councils prepare design-led strategic planning for local precincts. (Page 162 Section 4.1)

This insistence on Councils making the decision as to where certain developments can occur means that the Design Guide should be postponed from general use until Councils can (by using the Design Guide as a reference) revise their LEPs and DCPs to define where medium density can occur in line with the relevant District Plans produced by the GSC.

Form of Delivery

We oppose the use of complying development in all cases in reference to medium density housing. It should only be through the DA system administered by the local council.

Complying development implies no notification to any authorities who have some jurisdiction over development, in particular the local council, no notification to neighbours and therefore no rights to comment, no requirement to consider any effect outside of the actual development site – in other words the cumulative effect on infrastructure, provision of amenities or services to the area. This cumulative effect must be considered by one central body which has access to other authorities/service providers as well as being able to consider the character of the precinct.

The local council who is responsible for the zoning controls is the ideal body to be responsible for assessing the total impact of multiple medium density proposals and this should be done through the DA system.

The lack of notification to neighbours also means that there is no system of being able to comment or challenge a development in any legal way.

The Design Guide should be used as a basis to the writing of a new SEPP, similar to SEPP 65 and the ADG, exclusively covering Medium Density Housing. In this way the design requirements become mandatory by being brought under legislation. The SEPP must include a requirement for the final design to be signed off by a registered architect.

Without notification to Council there is no system of assessing s94 contributions for an increase in population due to the increase in the number of dwellings. This could put multi storey developments at a distinct disadvantage as they have to pay the contribution whilst reducing the council's ability to provide increased amenity for the precinct.

Independent assessors/certifiers have in the past created many problems within the present controls. The ability for a client to appoint an assessor/certifier is wrought with both perceived and actual bias towards the payer. If this system is to persist then the appointment must be made and paid for by a third party so that true independence can be achieved. Costs should still be borne by the developer through a fee system.

With climate change a major impact on our liveability and survival the increase in site coverage of medium density housing will create problems with retaining of canopy trees and the ability to provide replacement trees to help reduce the heat effect of the increased built upon area including buildings and paving. Some of these areas will become heat sinks and not heat islands.

Details

Although there are many detailed controls for the various forms of medium density housing included there are areas that are ambiguous or unclear.

The major one is the provision for Torrens titles. As these have to have direct access to a public road their use in deep sites, which are the norm in many existing suburbs they preclude their use in these sites. We understand that they cannot be provided where there is common property including underground parking. Is this form of housing therefore any better than town houses which are strata titled.

The reduction in lot size for terraces and dual occupancy will have implications for future strategic planning in that it will require many more properties to be acquired to be able to action change.

Terrace houses were first provided before the advent of motor cars and the requirement to provide parking. If parking is provided from the front of each terrace then the landscape area is reduced at this frontage and the ability for street parking is removed as the distance between driveways is too small for a car space.

Conclusion

The proposal to allow medium density in low density residential area will open up a situation of reducing the amenity and character of a precinct. Medium density should be planned for before it is allowed to be open to all development.

No medium density development should be complying development but should require a Development Application to the local council to confirm that it is in accordance with the zoning and other controls of a DCP as well as giving a central body the ability to appraise the cumulative effects of multiple developments in a given area.

The Lane Cove Bushland and Conservation Society oppose the introduction of medium density housing in R1, R2 and RU5 zoned land. It should only be allowed in R3 zoned areas.

We also oppose the provision for complying development in any area and require all such proposals to be via a DA system to the local council.

We suggest that independent assessors/certifiers be appointed by a third party and not be the proponent.

Doug Stuart for the Committee,
Lane Cove Bushland and Conservation Society Inc
12th December 2016