

SUBMISSION on MDHC and MDDG

1. This submission reflects the concerns expressed in submissions and petitions to Parramatta Council by 213 people to my knowledge. There may well be more. The full text of those objections is set out below under the headings - TEXT OF SUBMISSION TO PARRAMATTA COUNCIL and TEXT OF PETITIONS.
2. Please note that, amongst other things, those submissions support the objections expressed in Parramatta Council's submission in February 2016. That was an elected Council and we support its position, opposing complying development rules for medium density housing, regardless of any change of position which might be taken by the current unelected Council.
3. The proposal to fast track medium density development, including the MDDG, is a stealthy attack on the existing character and amenity of R2 low density residential zones. It will covertly change those zones into medium density zones over time.
4. It will rob property owners of the right of objection to development affecting them by classifying
 - a. attached dual occupancies
 - b. detached dual occupancies
 - c. terraces and townhouses
 - d. manor housesas complying development with no notice to neighbours, no right to object, no way to hold anyone to account, and no right of redress.
5. There is community suspicion that these proposals are part of a hidden agenda driving council amalgamations and using unelected, unaccountable interim councils as tools for implementation.
6. The whole scheme reeks of such a hidden agenda and Orwellian doublespeak. The "*missing middle*" and "*policy gap*" is just PR spin and code for obliterating low density living. There is no policy gap at all, it's just that existing policy inconveniently provides residents with a right of objection. Equally, "*removing existing obstacles to delivering this form of housing*" really means making life easier for developers wanting to trash your low density lifestyle, without Council oversight, by removing your right to object and no means of redress.
7. Documentation that implies MDDG will apply "In areas that are zoned for medium density housing" is grossly misleading. It applies equally in areas zoned for low density that Government has already violated by allowing medium density with consent. Low density residential will end up being meaningless.
8. Low density R2 environment has already been eroded by "complying development" on Granny Flats. And violated by including dual occupancies as permissible "with consent". Removing a need for consent and the right of objection will remove the whole concept of low density living in traditional freestanding homes. These changes would allow for reduction in lot sizes and increases in density that have no regard to the capacity of local infrastructure (road width, parking, traffic management, etc) and the character and amenity of existing areas.
9. An illustration of overloaded infrastructure - a number of objectors live in a quiet cul de sac away from a busy traffic artery. The cul de sac roadway is narrow, having been designed for single dwelling low density usage. Residents on that main road already use the cul de sac for parking, accessing their homes via a walkway. Real estate advertising for a 9 unit development site on the main road is now spruiking the benefits of quiet parking in the cul de sac away from the busy main road. This inadequate infrastructure madness will multiply if low density areas are turned into medium density, as planned.
10. To be blunt, increasing density and fragmenting lot sizes is setting up the slums and ghettos of the future. We simply do not understand why the government considers this desirable.
11. The change is of major significance to the community and has not been given sufficient public consultation. It will be outrageous if the MDDG is adopted and medium density development is

introduced without much greater public airing and discussion. The community needs to be made fully aware of the potential immediate impacts that these changes could have on their neighbourhoods, especially relating to the lack of neighbour notification and removal of the right of objection that is inherent in complying development.

12. So far as the MDDG itself (and the “explanation of intended effects proposed medium density housing code 2016”) are concerned, they are full of issues which are contentious, inappropriate to context and difficult to interpret. For example a two storey development might exclude a basement or attic, a dual occupancy with 9 metre parapet walls and flat roof might pop up in the middle of a neighbourhood consisting of single storey dwellings with low pitched roofs - like a mushroom in the middle of a well-manicured lawn. Even now, under existing DCPs, concepts such as streetscape, amenity, bulk and scale, roof design, are all likely to be given incomprehensible interpretations - even with right of objection. But objection can be of benefit.
13. The MDDG and MDHC contain much talk about the need to consider the character of the area, its existing built environment, bulk, scale and design in harmony and sympathy with surroundings and so on. Pages are devoted to this worthy goal **but they are negated by just one bit of fine print – “compatibility with the desired future character of the area should be regarded as more relevant than compatibility with the existing character”**. Such a broad and ill-defined exemption will result in unsightly mismatches in bulk, streetscape and amenity. There has to be a more sensible approach so that a genuine need for renewal is proven, understood and accepted by the affected community.
14. Complying development rules for medium density should be abandoned. And, even where a DA is required the **desired future character test should be abandoned** until it is far better thought through and explained widely. It is poor public policy to use a blunt exemption like this to avoid the need to consider compatibility with desirable elements in the existing character of an area. It is nothing more than a shortcut to get around the need for proper process and merit assessment.
15. Many assertions in the documentation are unbelievable. Paragraphs 16 to 20 below give examples.
16. *The impact on adjoining properties would be similar to a single dwelling house with respect to privacy, overshadowing and the scale of development, however the design guide provides protection from overshadowing and privacy that is more considerate of the context than a dwelling house.* How can that statement be defended? What about scale? And how is it more considerate of overshadowing and privacy when it is a 9 metre parapet wall 1.5 metres from your side boundary?
17. *Medium density housing types are generally more affordable because they require less land area.* Where does this apply in practice? It is more likely that a developer buys a block for \$1million, subdivides and builds a dual occupancy for \$750,000, adds his 20% and sells both new dwellings for \$1 million each. How does that reduce housing prices?
18. *Medium density housing types are more sustainable because they share common walls, providing better noise and energy insulation.* Common walls provide better noise insulation? Show us an example in real life. And how can it be more sustainable to bulldoze a perfectly serviceable freestanding dwelling with decades of life left? A total waste of resources.
19. *People want to live close to existing centres. But not everyone wants to live in an apartment.* This is true, but it does not point out that many like a low density lifestyle also. The fast track system will convert that into medium density at the expense of those already enjoying low density benefits.
20. *Medium density provides space for a garden to grow veggies and for children to play.* A nice “feel good” comment. But medium density provides less space for these desirable features than does the low density area it will replace – so why turn low density into medium density? It is inequitable to do so at the expense of those already enjoying low density benefits.

21. If these proposals are adopted, Government will be trampling over the property rights of people who enjoy living in freestanding homes in low density areas. There is no need to change the rules when such areas already meet current housing targets without having to introduce this form of development in the R2 Low Density Residential zones. There is no strategic justification for imposing these land use changes in such places.
22. There is effectively no public consultation for development assessed as Complying Development.
23. 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.
24. Building Certifiers, who generally have backgrounds in building surveying, are often insufficiently qualified to assess subdivisions, dual occupancies, manor homes and multi-unit developments.
25. Under current complying development the end-user is commonly the occupant and controls the quality of the development. In the case of development for resale, quality control may be sacrificed due to the loss of personal attachment to the development, resulting in a poor urban design outcome. The reality will be El Cheapo standards in development, adding to the tendency towards slums and ghettos.
26. There are reports of previous instances where complying development has been certified without full compliance with the established criteria. There is a lack of confidence in the existing system that a robust assessment can be undertaken when involving contentious development proposals. And even greater concern when there is no practical redress for non-compliance.
27. The same lack of community confidence extends to approvals for dual occupancies "with consent". Many of the submissions to Parramatta Council on this matter are from residents who are completely disillusioned by a recent case where their amenity has been degraded even after objection. However they are nonetheless adamant that using complying development for medium density development in low density zones is a recipe for disaster.
28. Going to the fundamentals of the matter, the spin about a need to provide for a growing population rings very hollow to the extent that such growth is due to government policy on immigration. The need to house that growth should be inherent in immigration policy and constructive greenfield (or other) solutions devised, without imposition on existing residents, and without eroding their property rights and their lifestyle.
29. In the same vein, it is grossly unjust and discriminatory to selectively apply oppressive rules to some R2 low density areas but not others. If sweeping changes are to be made affecting R2 low density zones they must apply to all such zones, not just some. Especially when it has the appearance of all being sewn up behind closed doors and there has been very little effort made to bring public attention or debate to the matter.

TEXT OF SUBMISSION TO PARRAMATTA COUNCIL

Attached are submissions by 162 voters opposing introduction of the Government's fast track proposals for medium density development. The original signed submissions are available for inspection if required.

They reflect and support the concerns foreshadowed in paragraphs 24 to 28 of Council's agenda item 11.2 for its meeting on 8/2/2016. The reference number is F2016/00024 - D04054818.

Other objections raised include infrastructure, tree policy and accountability:

Local infrastructure such as road width was designed for detached single dwelling low density zones. That allows plenty of off-street parking, leaving the road for its intended purpose of carrying traffic.

Medium density dual occupancies and other medium density developments do not provide as much off-street parking, creating pinch points when cars are parked on both sides of the

streets and barely allow one vehicle through at a time. Parking congestion is not restricted to the primary street of the development but to surrounding streets as well. This is unsightly and could impede services such as fire, ambulance, garbage and so on. It also creates real problems for residents wanting to manoeuvre trailers, caravans, or boats.

The problem is compounded because street parking area is reduced when dual occupancies require individual access via crossovers. More crossovers mean less kerbside space for parking and greater competition for space. In this situation people tend to park illegally too close to corners, intersections and turning circles, creating traffic hazards.

Moreover, with smaller back yards there will be tendency for children to play in the street. The combination of numerous cars parked, restricted room for traffic to pass, and children likely to run out between parked cars is a recipe for tragedy.

Stormwater drainage is another issue where existing infrastructure, originally designed for a low density single dwelling environment, is inadequate for increased runoff because of greater areas of roofs and paving as against lawn and gardens. There are cul-de-sacs now where homes are affected by flooding stormwater that cannot escape quickly enough during downpours but Council does nothing to solve the problem. Retention pits do not alleviate the risk during extreme events - so medium density development will compound it.

It is becoming almost automatic for approval of removal of healthy trees in DAs for dual occupancies. There seems to be an assumption by developers that they will be able to clear the block as they wish. Healthy trees are being sacrificed for the sake of development. Although replacement with shrubs is intended the overall result is an unnecessary denuding of the canopy. On the other hand existing ratepayers are put through the hoops and have to fight very hard, and have a lot of luck, to deal with trees which are unhealthy or causing significant problems. The double standard needs careful attention and a new, sensible policy approach.

Another concern is transparency and accountability. This goes to suitability of those responsible for certifying the developments. Council officers and the independence with which they perform their duties are subject to oversight by ICAC and the Ombudsman. If certification is outsourced to "mates who hold the right tickets" there will be no accountability in practice and no recourse other than expensive legal action for an affected homeowner.

TEXT OF PETITIONS

We **strongly object** to:

1. adoption of the Draft Medium Density Design Guide
2. proposals to fast track medium-density development

In this regard **we support the objections** contained in City of Parramatta's submission of 8 February 2016, lodged with DP&E in February 2016.

We also object to Baird Government plans to

- take away property owner rights of objection
- change R2 low density residential zone into medium density – by stealth.

Reasons:

Our homes are important to us.

They are our biggest investment.

We select a low density residential area because it has a nice look and feel, suits our transport, school, medical needs. And other facilities we value.

We spend years paying off our mortgages, and paying rates to improve our local area.

We do this because we enjoy the area we live in and its surroundings.

We have a right to quiet enjoyment of our property.

Surroundings are part of amenity (pleasantness) of area, part of our enjoyment of our property.

Government is supposed to protect our rights.

But here it is planning to take them away by stealth.

The scheme to fast track medium density development intends to rob us of our property rights.

It is being done by a centralist bureaucratic process of smoke and mirrors, by changing definitions and rules.

The net result will be that what is now described as an "R2 low density residential zone" will actually be medium density.

Our low density environment has already been eroded by "complying development" on Granny Flats. Some might be ok but many are messy and detract from the look and feel of the area.

Imagine how it will be if the same rules are extended to

- attached dual occupancies
- detached dual occupancies
- terraces and townhouses
- manor houses - a new development type being a building of no more than two storeys containing 3 or 4 dwellings on one lot of land.

There will be no DA to Council, no notice to neighbours, no right to object, no way to hold anyone to account, and no right of redress unless very expensive legal action is possible.

Government says "Don't worry! There will be standards they have to meet."

What they don't say is that there are standards now in the form of planning instruments such as the relevant Development Control Plan, but even those standards can be twisted to suit Big Brother's plans.

There are recent examples where non-compliance with number of storeys, bulk and scale of building, reduced front setbacks are just a few crucial items where objections are brushed aside. The perception is that there is a bias towards developers. Even under the existing system you could end up with a 3 storey building 1.5 metres from your boundary fence.

Our right to object is being devalued bit by bit, but it is still better than having no right at all.

This scheme ends up with pocket handkerchief size blocks with medium density buildings and mini backyards – totally different to most existing R2 areas.

What about the social issues this brings for the future?

As time goes by it will start to look and feel like a ghetto.

And you thought you lived in a low density residential zone? Sorry!

Big Brother tells us that this will improve housing affordability, but they have to be joking. No calculations are included to demonstrate this claim. The only way to ensure that is to place a mandatory price ceiling on the developed property – and Boy, wouldn't you hear the industry squeal about that.

Smiling people (who probably don't live anywhere nearby) appear on TV and in local papers telling us how this is all in our interests because we must bend over backwards to accommodate newcomers – a growing population - because growth is good (whether sustainable or not).

They also tell us it is important for the newcomers to have easy access to transport corridors, roads, rail, schools, shops, hospitals, water and power infrastructure and so on. In other words, all the things we value about our area and contribute to our lifestyle. And, despite the fact that these are all facilities we have collectively paid for over the years, we are supposed to be happy about having our low density communities trashed, with established property owners being gradually pushed out so newcomers can enjoy those facilities.