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Director, Codes and Approval Pathways,

NSW Department of Planning

GPO Box 39, Sydney, NSW 2001

Dear Sir/Madam

Submission: Draft Medium Density Design Guide and Draft Medium Density Housing Code

- **Closing date - 12 December 2016**

Background

The Department of Planning and Environment ("NSW Planning") has prepared a Draft Medium Density Design Guide and Draft Medium Density Housing Code to encourage more low rise medium density housing to be built in NSW, providing greater housing choice, more housing affordability and better quality design.

The Discussion and Background Paper "*Options for low rise medium density housing as complying development*" was publicly exhibited from 27 November 2015 to 1 March 2016.

The Discussion Paper proposed the expansion of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to include low rise medium density housing as complying development. The aim is to make approvals for these housing types faster and more straightforward, providing greater housing supply and choice including more affordable housing.

The Medium Density Design Housing Code will be legally enforceable for complying development and any certifier that assesses a development will

also need to ensure the development standards and design principles are met.

The new 'Medium Density Housing Code' will be inserted into the Codes SEPP. This new Code will contain the development standards that a proposal for medium density housing must meet in order to be assessed as complying development.

General comment: Draft Medium Density Design Guide and Draft Medium Density Housing Code

We would like to commend NSW Planning for these initiatives and agree wholeheartedly with the need to expand the NSW Complying Development system to **include the "missing middle"** – medium density housing, particularly two-storey where suitable. This will streamline present approval procedures in NSW and ensure a uniform standard and quickening approval for such medium density housing.

Medium density additional housing, particularly offering housing choice is urgently needed in the Sydney residential area to address excessive housing costs and choice of lifestyle options. Our individual values and preferences as well as those of our community have shifted, and our choices in housing location and type need to be addressed **urgently**, as well housing affordability.

Specific comments

A: Explanations of Intended Effects for the proposed Medium Density Housing Code ("Intended Effects document")

1. Division 2 – Two Dwellings side by side.

- (a) Specified Development (Page 32 of Intended Effects document) mentions (*inter alia*) that the code applies to complying development on a lot that "(a) the lot must be on a Zone R1, R2, R3 or RU5."**

In your Discussion and Background Paper '*Options for low rise medium density housing as complying development*' which was publicly exhibited from 27 November 2015 to 1 March 2016, we note your comment that the

development of 2 dwellings on a single lot are not typically suitable for increased density development for Rural zones and Environment living zones and generally agree as such. However:

Your comment at para 1.4 of the Background Paper relates to the "*Challenges and Opportunities – Housing Options for an increased and diverse population*" in which you mention the need to accommodate a range of dwelling types to meet metropolitan housing strategies and that increased housing supply needs (among others) to be "located in areas that are **both greenfield and established areas** to help people live closer to family, friends, work places, schools and services" [**Emphasis added**].

We believe that, the proposals that relate to Dual occupancies (as exhibited in the Draft Medium Density Design Guide and draft Medium Density Housing Code, including the ability to be approved via the Complying Development procedures), should **also be allowed in Rural RU6 Transition Zone** and not the other Rural Zones (RU1, RU2, RU3 & RU4). We believe that the development of 2 dwellings ought to be permitted in respect of *certain* Rural Zones (Greenfield areas), namely Rural R6 Transition Zonings (and their equivalent depending on Council LEP), given that Secondary dwellings (attached and detached depending on design and size) are generally permitted by most Councils LEPs in this Rural R6 Transition Zone and these lots are generally situated adjoining or near urban areas and facilities (Transition) so infrastructure and facilities available to any increased development in these areas ought not to present any significant problems.

Presently, under many Council LEPs/ DCPs Dwellings on Rural R6 Transition Zones (and their equivalent depending on Council LEP) it is permitted to have dual occupancy (attached) and Secondary dwellings (attached and detached) with consent [eg The Hills Development Control Plan (DCP) 2012 paragraphs 3.5 Dual Occupancy (attached) and Secondary Dwelling Development].

Your Present documents/ proposed Medium Density Housing Codes do not address the aspect of its application to certain (selected) greenfield areas, other than RU5 (Village) zoning.

- (b) Specified Development (Page 32 of Intended Effects document) mentions (*inter alia*) that the code applies to complying development on a lot that "(b) the area of the lot must not be less than the minimum lot size in an LEP for a dual occupancy."**

We agree that the permissible lot size ought to at least meet the minimum lot size in an LEP for a dual occupancy. To prescribe a different minimum (larger) lot size in these Complying Development proposals to that stated in the present Development Application / LEP system would create inconsistencies between the two forms of permissible development avenues, resulting in confusion, unfairness and a lack of credibility in the new measures.

- (c) Rear set-back for Lot size 200 m² – 300 m² with Height > 4.5m – 8.5m = 10 metres or average adjoining**

We consider that a 10m minimum setback is excessive and **should be reduced to 8 metres**, in line with the 8 metres rear set-back proposal for lot area sizes 300 m² – 900 m² with height over 4.5 metres (Two dwellings side by side) (at page 33 of Intended Effects document) **and** the 8 metres proposed for Multi-dwelling houses with height over 4.5 metres (page 36 of Intended Effects document). It is also noted that the proposed 10 metres setback is excessive when compared to the 9 metre rear setback proposed for Manor Houses and Dual Occ with Lots sizes 600-900 m² and over 4.5 metres (page 38 of Intended Effects document).

- (d) In the context of Two dwelling side by side (attached) development, we agree that there ought to be a choice between either strata or Torrens Titled subdivision. Your Torrens Title alternative choice proposal to the present Strata subdivision is logical and appropriate.**

B: Draft Medium Density Housing Guide ("DMDHG")

1. Part 3 - DMDHG - Two Dwellings Side by Side

- (a) At Part 3.1 - page 83 – proposed 10 metre rear setback for lot area 200-1500 m² with height over 4.5 metres = 10 M**

We consider that a 10m minimum setback is excessive and **should be reduced to 8 metres**. We note that a 10 metre rear setback (building height > 4.5 Metres, lot area 200-1500 m²) is also proposed for: (a) Part 3.2 -Terrace Houses (page 101 of the DMDHG) **and** (b) Part 3.4 - Manor Houses and Dual Occupancies - on top of each other (page 139 of the DMDHG). Both these developments are generally considerably larger and bulkier developments when compared to a simple Part 3.1 - Two Dwelling side by side development, so it seems unfair or inconsistent that such developments be subject to the same rear set-back figure. This would also be more consistent with the proposals outline in the Intended Effects document as mentioned above.

Also:

- It is noted that for *Two Dwellings Detached*, (at page 176 of the DMDHG), the Recommended "Typical principal development controls" sets out Building height 8.5 metres and rear set backs from 3 to 6 metres. Given that the minimum lot size for this development is 200 m² (Corner) and 300 m² (Battelaxe), the indicated 3 to 6 metres set back seem to be very generous and inconsistent when compared to the proposed 10 metres rear set back proposed in Part 3.1 for *Two Dwellings Side by Side*.
- the Recommended "Typical principal development controls" sets out Building height 8.5 metres and rear set backs from 3 to 6 metres for *Two Dwellings Side by Side*, (at page 178 of the DMDHG). The indicated 3 to 6 metres set back seem to be very generous and inconsistent when compared to the proposed 10 metres rear set back proposed in Part 3.1 for *Two Dwellings Side by Side*.
- the Recommended "Typical principal development controls" sets out Building height 8.5 metres and rear set backs from 3 to 6 metres for *Terraces*, (at pages 180, 182 & 184 of the DMDHG). The indicated 3 to 6 metres set back seem to be very generous and inconsistent when compared to the proposed 10 metres rear set back proposed in Part 3.1 for *Two Dwellings Side by Side*.
- the Recommended "Typical principal development controls" sets out Building height 8.5 metres and rear set backs from 3 to 6 metres for *Multi Dwelling Housing*, (at pages 186, 188, 190, 192 & 194 of the DMDHG). The indicated 3 to 6 metres set back seem to be very

generous and inconsistent when compared to the proposed 10 metres rear set back proposed in Part 3.1 for *Two Dwellings Side by Side*.

- the Recommended "Typical principal development controls" sets out Building height 8.5 metres and rear set backs from 3 to 6 metres for a *Manor House* , (at pages 196 of the DMDHG). The indicated 3 to 6 metres set back seem to be very generous and inconsistent when compared to the proposed 10 metres rear set back proposed in Part 3.1 for *Two Dwellings Side by Side*.

Thank you for the opportunity to make a submission and input into the valuable and worthwhile process of expanding the Complying Development **to include two storey medium density housing types**.

Your sincerely

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