



9 December 2016

The Manager  
Codes and Approvals Pathways  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2795

Dear Sir/Madam

**Draft Medium Density Design Guide and Explanation of Intended Effect for the new Medium Density Housing Code**

Thank you for the opportunity to comment on proposals for the draft Medium Density Design Guide and Explanation of Intended Effect for the new Medium Density Housing Code. Bathurst Regional Council submits the following comments for the Department's consideration.

1. Council supports the exclusion of the draft Medium Density Housing Code from Heritage Conservation Areas and State and Local Heritage Items. Council also supports the development of the Medium Density Design Guidelines to assist in improving good design outcomes.
2. The proposed provisions for Medium Density developments have little relevance to regional and rural NSW and particularly the Bathurst Region. The Department, and particularly the Western Regional Office in Dubbo, have invested a considerable amount of time and effort in developing the Inland Code for exempt and complying development. It would seem that the draft Medium Density Housing Code is pre-emptive and should apply to the growth centres only.

The amount of medium density development in regional locations as compared to dwelling houses and other minor developments does **not** warrant a shift towards a complying development process. Further, a complying development process will alienate existing consultation which occurs at the local level in relation to medium density housing, particularly multi dwelling housing developments.

The Inland Code will provide a greater benefit for the majority of developments in rural and regional NSW and should be the focus of the Department's attention in rural and regional locations.

3. The Department's PN 11-002 categorises RU5 as a rural zone and states that *"The RU5 zone would typically apply to small rural villages within rural areas."* Within the Bathurst Region, the RU5 land is generally unserviced with reticulated water and sewer. This would be the case for the majority of regional councils. Whilst the SILEP indicated the zones that could be used, it was up to individual Councils to apply the zones as they saw fit. This application of the Draft Code to

land zoned RU5 seems counter-intuitive and is not supported by Council's strategic planning.

4. The documentation that was provided is difficult to determine whether the development is a Development Application or Complying Development. Additionally, the ability for a certifier to assess an 'alternative solution', albeit meeting the objectives, implies a level of merit assessment and thus a Development Application process.
5. Council maintains that the Departments approach to 'one-size-fits-all' is of major concern with the potential impact on the Bathurst landscape being significant. Whilst Council understands the need for increasing the density of residential development, Council is currently preparing a Housing Strategy, this Strategy and not a SEPP, should determine the appropriate densities across the City which reflect the attitude of the Bathurst community. This strategy will then inform Council's Local Environmental Plan to develop appropriate development controls to encourage a diversity of residential development.

Council has developed a number of development standards for dual occupancy and unit developments in suburban locations which are contained in the Bathurst Regional DCP. They are most appropriately located in the DCP, rather than the LEP. Council is extremely concerned that the draft Policy will override Council's current controls for medium density housing located in the DCP. These requirements will be lost in the SEPP.

Council requests that the Bathurst Region be excluded from the medium density code until such time as its housing strategy is completed.

Council notes the outcomes of the Parliamentary Inquiry into "Regional Planning in NSW" that supports Council's concerns about a one-size-fits all approach, particularly between metropolitan and rural/ regional locations.

If you have any queries please contact Ms Janet Bingham of Council's Environmental Planning & Building Services Department on 02 6333 6211.

Yours faithfully



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**ACTING DIRECTOR**  
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