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12 December 2016

Ms L Sheridan
Director Codes and Approval Pathways
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Sheridan

DRAFT MEDIUM DENSITY DESIGN GUIDE AND EXPLANATION OF INTENDED EFFECT FOR A PROPOSED MEDIUM DENSITY HOUSING CODE

Dubbo Regional Council welcomes the opportunity to provide comment in respect of the proposed Medium Density Design Guide (MDDG) and Housing Code.

The proposed regulation assistance for other medium density development types is currently a missing component of the Planning System. This is especially important for dual occupancy development types, which are increasingly being undertaken in the regions by non-professional developers/investors as a further way to join the investment component of the property market.

The proposed extension of complying development into medium density housing development in NSW presents a significant shift in the original intent of the legislation. Complying development was originally introduced into the NSW Planning System to provide an alternative approval pathway that was indeed quicker than the traditional development application process, whilst ensuring that the resultant development types were not likely to present any impacts to adjoining and adjacent development, local amenity and infrastructure.

The proposed extension of complying development into medium density housing development is likely to further remove property owners from the notification processes employed within the development assessment process and ultimately be reflected in the development outcomes achieved in our urban areas. The realisation of home ownership in Australia is viewed as a significant achievement and also represents a significant financial outlay. Any notion of removing the role of adjoining and adjacent property owners in guiding the development of their respective neighbourhood is considered inappropriate.

The following information provides Council's specific comments in respect of various aspects of the reform package:

All communications to: **THE INTERIM GENERAL MANAGER**

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1. Private Certifying Authorities

The further extension of complying development provisions to encompass certain medium density housing types will shift the assessment focus of such important development proposals from Council planning staff through to Private Certifying Authorities. Traditionally, building surveyors, have undertaken the assessment and consideration of the building related components of a development and in many councils, undertake the assessment and consideration of Development Applications for dwelling houses. The proposed additional complying development provisions will place the requirement for both assessment and certification of specific medium density development proposals with Private Certifying Authorities.

Whilst building surveyors have a core role of building certification, the competencies and indeed the training and qualifications of building surveyors is not considered to take into account the assessment and consideration of such proposals in terms of design, planning provisions and DCP compliance. In addition, this may also have the result of exceeding their professional limitations as set down by the Building Professionals Board.

In addition, it is also considered that this proposed approach could result in important site constraints and considerations not being correctly considered in the assessment process, given the overall assessment time constraints placed on Complying Development proposals. Furthermore, the proposed changes may also serve to undermine the confidence of the community in the development process, especially as in regional areas councils are seen by the community as providing appropriate information and knowledge around development and land use planning issues.

2. Community Consultation Processes

The development assessment process and the complying development certification process have very different consultation requirements in legislation. However, it is considered that the community does not have the background or the understanding as to the consultation processes for complying development and the fact that such processes effectively remove the rights of adjoining and adjacent property owners from the consideration of the development.

It is considered that complying development does not allow for adequate community involvement and as such, the Department as a component of the medium density housing changes need to consider a viable alternative for community consultation that allows for the community consultation and input into the decision making process.

3. Developer Contributions

It is unclear from the reform package as to how developer contributions will be levied and collected under the proposed changes. As the Department would be aware, the subject development types included in the proposed changes are developments that ordinarily have an impact on existing infrastructure, and services and are developments that would attract developer contributions across the majority of the State.

Traditionally, the process for Council receiving developer contributions from Private Certifying Authorities has been poorly defined by legislation and planning practice and has resulted in Council being required to invest further time in the collection of contributions.

The reforms must include a robust and well-designed developer contributions system that allows certainty for councils in receiving payment of contributions whilst ensuring developers know the cost structures associated with their development proposal.

4. Proposed Changes to the Standard Instrument (Local Environmental Plans) Order, 2006

A number of changes are proposed to the Standard Instrument (Local Environmental Plans) Order, 2006. These changes are specifically in respect of development definitions around multi-dwelling housing and changes to subdivision.

The proposed changes to the subdivision controls associated with medium density development as included in the Standard Instrument are welcome by Council. However, Council has a number of concerns with the proposed further extension of dictionary terms associated with medium density development.

Currently, all development proposals that consist of three (3) or more dwellings that are not classified as a residential flat building are defined as multi dwelling housing. The proposed addition of the manor house definition and the proposed addition of multi-dwelling housing (terraces) are not considered to be required. Given the State Government has been attempting to further refine and streamline the planning system, there is considered to be no specific reason to again include further definitions in the Standard Instrument when such development types currently meet the definition of multi-dwelling housing.

If the Department considers changes to definitions as being required, minor alterations to existing definitions should be undertaken and new definitions should not be created. This includes the proposed "manor house" definition, which Council considers to be adequately covered in the definition of multi-dwelling housing.

Again, I thank you for the opportunity to provide input to this process.

If you require any further information or clarification in respect of Council's submission, please contact Council's Manager City Strategy Services, Steven Jennings, on (02) 6801 4000.

Yours faithfully



Melissa Watkins

Director Environmental Services

Please be advised that the Dubbo Civic Administration and Wellington Administration Buildings will close for business at 3.00pm on Friday 23 December 2016 and reopen at 9.00am Tuesday 3 January 2017.

