

SUBMISSION TO

Medium Density Housing Code - Code complying development

from

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Thank you for the opportunity to make comments on the proposed Medium Density Housing Code – code-complying development.

My position is this: DON'T DO IT!! I AM TOTALLY AGAINST THIS PROPOSAL: IT WILL MEAN RADICAL AND WIDE-SWEEPING CHANGES TO THE PLANNING SYSTEM.

For the following reasons:

- **The Local Government Authority has always been and must remain the Planning Consent Authority.** At present, residents have the opportunity to raise objections to Development Applications if they are inconsistent with the local LEP and DCP, and they have the right to be represented by their elected Councilors in the debate over any DA in a public meeting of the Council. The proposal to make Medium Density Housing exempt from DAs and for proposals to bypass the Council altogether is ill-thought out, undemocratic, unfair, radical in the extreme and it won't work! You are talking about likely HUGE changes in vast residential areas which people will be VERY unhappy about, and will fundamentally change the character and nature and feel of a place. **DON'T DO IT!**
- **Neighbour notification removal.** We all want to know if our neighbours are planning an extension, a new house, another storey, or other things, like a pools, cutting down their trees, or planning a new garage with "studio" on top. Why shouldn't we know? We have the right to know now, why would we allow the government to take away that right?
We have chosen to live in an area for specific reasons, usually to do with amenity, garden space, tree cover, views, attractiveness, etc. If the whole suburb can suddenly be torn down at any time, with NO NOTICE TO ANYONE as proposed, how can anyone be certain about the future? Do you want a miserable population, nervously worrying about what their neighbours are up to: One day you have peace, quiet and harmony living on a quiet leafy street, the next you have chainsaws, bulldozers and jack hammers all around you, then "Bang!" the character of the street and suburb has disappeared, the value of your home has gone down, the

neighbourhood is transformed into a treeless concrete wasteland with noisy building work happening 6 days per week for months on end... How would YOU like it if it happened to you? The answer to that is: you wouldn't. So, **DON'T DO IT!**

- **Taking away the right to make a written submission to a DA.** You are proposing to take away this right, along with the right to be notified of development. People are more often than not quite happy with their neighbour's building plans, under the current system. If they are not, at least they get to have their say in a more or less democratic manner. This will take away another plank of democracy – why is the government so intent on doing this? Up to now, neighbours have had to more or less stay within the limits set by the LEP and the DCP of the local authority when planning extensions or new developments. The proposal to allow MEDIUM DENSITY IN ALL RESIDENTIAL ZONES WHERE IT HAS PREVIOUSLY NOT BEEN ALLOWED WILL CREATE MAYHEM IN THE COMMUNITY, ESPECIALLY SINCE THERE WILL BE NO NOTIFICATION, AND NO RIGHT TO MAKE A SUBMISSION. This is a crazy idea, and I say again: **DON'T DO IT!**
- **Medium Density must be subject to DAs and approved only by the local authority.** This is how we have done it for years, and it must remain the only way. It's bad enough now having Private Certifiers do much of the approval, and is already open to corruption and will become very much worse. It is utter madness to make the corruption problem worse by widening the opportunities for it! Who is going to Certify the Private Certifiers? Private Certifiers are paid by the developer, so they are going to do what they are paid for or they won't get the work. Who regulates, oversees, checks and verifies the Private Certifiers already operating? There will be an explosion of Private Certifiers if this proposal gets up, and most will be unqualified at a guess – where will they come from? Who can set up as a Private Certifier? Anyone at all? Blind Freddy can see that corruption will come galloping in on the promise of an easy buck and more, in fact the chance of great wealth for some smooth operators. The Carpetbaggers will come in, offer money, do the job, ruin the neighbourhood and run. Why would the government even think of proposing such a change? This is such a bad idea that I say again, **DON'T DO IT!**
- **Environmental impacts of allowing Medium Density Development anywhere.** These will be huge, as significantly more land surface will be covered in concrete, pavers and other hard impermeable surfaces, replacing gardens, grassy areas of open space, trees and shrubs. Stormwater will have no chance to soak into the ground, and will cause erosion and flooding on a huge scale – have you thought of that? Are there plans to mitigate this? The heat island effect will get worse with the loss of tree canopies, and there will be less habitat, less oxygen, less capacity to absorb carbon into vegetation. The subsequent greater need for cooling in summer will add to Global Warming through increased coal-fired electricity demand. All this is being proposed in an era

of burgeoning Climate Change: more intense storms, more frequent storms, hotter and longer summers, etc. This is NOT the time to be allowing open slather on Medium Density housing construction.

Instead, the government should be pushing for appropriate housing – solar design, mandatory consideration of sunlight orientation when constructing new dwellings, maximizing permeable surfaces, encouraging open space and tree planting, committing to community solar power schemes, mandating or encouraging solar power on all roofs, and prioritizing the retention of all mature trees in all neighbourhoods. I contend that in this day and age of Climate Change, this proposal is actually totally irresponsible, or possibly criminally negligent. I say again, **DON'T DO IT!**

- **Housing affordability.** In no way will this proposed code encourage the construction of affordable housing, as all developers just want to make money; it is their only motivation. Only government or a housing cooperative can build, maintain and operate affordable housing, No one is even talking about housing cooperatives. So the proposed code is not going to supply affordable housing unless there is a mandated percentage of units in a block or a percentage of houses in a row of townhouses or terraces reserved as affordable homes. There's no mention of that. Instead, this seems to be a plan to allow as much construction of new housing as possible in the shortest possible time – why?
We already have 80,000 empty units and houses in Sydney that are negatively geared, and a growing homeless population. It would be much easier to mandate that anyone owning an empty unit lets it out at an affordable rent. The problem of housing shortage would be solved more or less in one fell swoop.
Instead, all that will happen will be another speculative property bubble, more people forced to rent instead of buy, more people made homeless because they can't afford to rent, and then a mass of bankruptcies when the housing speculation bubble finally bursts. I ask you, is this good policy? Blind Freddy can see it is not, and I say again, **DON'T DO IT!**
- **Design of Medium Density Housing.** Developers squeeze as much profit out of each site as they can. If they are allowed to put up masses of townhouses, terraces, etc, who is going to oversee the design standards?
DCPs will be ignored, and the Private Certifier will have virtually no interest in aesthetics or good design, let alone site-sensitive design and solar design, because a Private Certifier is paid by the developer, and won't get the work if they are obstructive or delay a project.
Here are two examples of particularly hideous medium density housing (**see pictures below**) we could end up with in any suburb – mixed in with characterful Federation or Victorian houses, or spoiling an area of single storey California Bungalows, for

example.



← A dual occupancy, picture copied from NSW government publication on “good design”.

It is really truly ugly, and of such a poor quality it will be a slum very soon.



Above: A row of townhouses, picture copied from NSW government publication on “good design”.

I cannot even imagine living in such a box like structure with hardly any windows. They are harsh and ugly to look at, just boxes piled up. Flat roofs are also notorious for leaking, and the basement carpark will flood regularly. I know someone with a house like this, and this happens regularly; the pump cannot cope and they suffer regular floods in their garage which smells very unpleasant and makes the garage almost unusable. Climate Change will bring more storms, more flooding, worse flooding – these townhouses will become slums in a very short time.

- **Council LEP and DCPs will be overruled, and have to be remade, yet again.** My council is Randwick City Council; we went through an exhaustive review over a two year period so that it could align its LEP with the Standard Instrument, and then altered the DCP, which was also after an exhaustive review process. Extensive feedback from the community ensured that the end result was what the community desired in their local areas. To propose to allow what amounts to a total rewrite of the LEP and DCP in vast areas of each LGA is dictatorial in the extreme, and must be a result of developer lobbying – it certainly isn’t what most residents want.

Why is the NSW government so keen to rewrite Planning law in favour of developers? It is not a good look, and has scant justification. It is also not at all how things should be done in a democratic country. I say again, **DON'T DO IT!**

- **Another nail in the coffin of democratic rights of the individual.** On top of forced amalgamations which have already limited (or will soon greatly limit) representation at local level, this constitutes yet another nail in the coffin of democracy because councils will have no say in virtually any development – how is that fair? Already, if Council refuses large developments, they are referred to a JRPP or a PAC, and of course now to the Greater Sydney Commission. All of these bodies are unelected, yet they have been given huge powers over what is built in local neighbourhoods, the power to change whole suburbs, the power to destroy communities if they deem it necessary, for “state significant infrastructure”. I say we have had enough of dictatorship by unelected bodies, and we don’t want dictatorship by developers and their Private Certifiers either. Let Councils make the decisions on development, in accordance with their LEPs and DCPs – they have the experience and the knowledge of local areas, knowledge of what residents want, and most Council employees and Councilors live among us, so there is personal interest and accountability. We would like to keep it that way, and I say again, **DON'T DO IT!**

Conclusion: The proposal to make Medium Density Housing into Code-complying development under the Private Certifier and developer system is sheer madness. It will cause endless trouble by alienating neighbours, wreck communities, wreck the character of places, wreck the environment, and is totally unnecessary. In fact it is tantamount to reckless irresponsibility and in no way constitutes good government or good governance. It is a huge attack on democracy as it takes away people’s rights. I would go so far as to suggest that the proposal could be considered to be criminally negligent when you consider the unintended consequences, such as raised heat island effect from loss of tree canopy, raised possibility of worse and more frequent flooding due to huge loss of permeable surfaces and increase of impermeable ones, and the worsening effects of Climate Change - hotter summers and more frequent storms. In the government’s concocted need to provide housing quickly at any cost, heedless of the great majority of the community, you should ask yourselves if you are really providing the best policy for the future, or if you are on a trajectory of total destruction? I can only keep reiterating: **DON'T DO IT!**

Thank you for the opportunity to comment, and I hope you take notice of what I have said – DON'T DO IT!!!

Yours sincerely
Claire Bettington.