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**Ryde - Hunter's Hill Flora and Fauna Preservation Society**

Member of Nature Conservation Council of N.S.W.

**P.O. Box 2127  
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Ms Lynne Sheridan  
Director – Codes and Approvals Pathways  
Department of Planning and Environment  
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22 December 2016

**Submission on Code-complying development: Medium Density Housing Code**

**Dear Ms Sheridan,**

This submission expresses the concerns of the Ryde-Hunter's Hill Flora & Fauna Preservation Society (RHHFFPS) with regard to the proposed Medium Density Housing Code.

**Introduction:**

We are a local conservation group established in 1966. We have a close association with the Field of Mars Reserve, East Ryde, a fifty hectare natural bushland remnant. Fifty years ago this bushland remnant was under threat from a proposal by Council to expand the small garbage tip area in the reserve. Due to the RHHFFPS's and local community's efforts the Field of Mars Reserve is now a Wildlife Refuge, much appreciated by its many visitors, both local and those from further away. It also contains the award winning Field of Mars Environmental Education Centre visited by over 15,000 students each year.

Natural bushland and the native fauna for which it provides habitat, such as at the Field of Mars Reserve, is under very significant threat from a rapidly changing climate, as well as continuing population pressures which are projected to have further deleterious impacts from development growth across our city. These effects are already being observed in the reserve with increased degradation of the saltmarsh remnants, greater weed invasion and more frequent flood events.

The Field of Mars Reserve has been identified as part of Sydney's Green Grid in the draft Greater Sydney Commission's plan for growing Sydney. It is critical that increased development density is managed in order to protect important natural bushland and waterways such as in the Field of Mars Reserve. Government needs strong and effective strategies to ensure that there is opportunity for future generations to benefit and enjoy

natural spaces such as the Field of Mars Reserve. This gives us a particular interest in the proposed Medium Density Housing Code.

### **Rapid and dramatic changes to our local area:**

Our local area has had significant high density developments approved over the past few years. Some of these have been on public land. Many have been via assessment processes outside the local Council's planning controls, with some inconsistent with Council's considered strategic future master planning for targeted growth areas, for example the Macquarie Park corridor. This has left a gap in the strategic planning processes and resulted in increased housing density but not always with matched investment in vital infrastructure and open space. For example Ryde LGA has one of the lowest open space per capita ratios in northern Sydney and Hunters Hill LGA has significant flooding problems.

The increased pressure on stormwater infrastructure, sewerage network and open space from this recent high density development must be captured within strategic environmental planning controls before expanding the number of medium density approvals via a code compliance process.

The government website clearly states that:

*"Importantly, medium density housing will only be able to be carried out as complying development in areas that already allow medium density development under a council's local environmental plan."*

Whilst the Greater Sydney Commission's District Plans set an over-arching plan for Sydney's growth, some of the actions in these plans will need to be matched by changes to local planning controls. For example Ryde Council has recently relaxed its tree controls with any tree within four metres of any structure on a property now exempt from any assessment prior to removal. This could exacerbate the urban heat island effect in urban renewal programs which the draft District Plans have identified as a issue needing mitigation. Likewise the need for a review of air quality and noise guidelines along busy road corridors is identified as an action in the draft District Plans, but supporting documentation for local planning controls is inadequate and out dated on this issue.

Fast tracking development via code compliance may make the intent of the strategic planning process of the GSC meaningless and irrelevant in the longer term. Current local controls are not consistent across the three LGAs and master planning for shared areas of mixed use/commercial precinct has not secured good planning outcomes, e.g. the Gladesville commercial precinct which is shared between Hunters Hill and Ryde LGAs.

The three local planning controls, that is for Lane Cove, Ryde and Hunters Hill LGAs, presumably will need to be reviewed should the government's planned merger of the three Councils proceed. This process could further undermine current strategic controls on medium density development as we have no doubt that local developer pressure will continue, despite the relentless unit developments already underway.

However, we have no confidence that our three local controls will be reviewed in any meaningful way or via transparent processes, as has occurred as part of the previous reviews to meet the requirements of the standard LEP. We anticipate a quick review to meet the

Greater Sydney Commission's adopted North District Plan and to conform with any future amalgamation of the three LGAs.

This could mean that the current controls on suitable areas for medium density will be relaxed, similarly as we have observed with relaxation on controls over high-rise development locally, effectively "spot re-zonings" by the JRPP. However, pressure for medium density development will be more socially complicated because it can be driven by individual house owners trying to meet the needs of their adult children. This demand could "incentivise" medium density development but not via any over sensible over arching strategic planning. Code complying development for medium density development may not secure good planning outcomes if land use changes are made in any ad hoc way to stimulate medium density development - expanding approvals via code complying development coupled with more areas zoned for medium density development may not ensure a liveable and sustainable vision is achieved for Sydney by 2036.

### **Social and environmental impacts must be considered:**

Continued reliance on population growth and higher density housing as an economic driver must be resisted if we are to maintain the values and amenity of our natural and built heritage. The disappearance of the traditional backyard and much loved garden space from our neighbourhoods will put ever more pressure on our remnant protected areas for recreation and passive enjoyment of nature. This presents the threat of a seriously negative social and ecological outcome from what is being proposed through the Medium Density Housing Code. The RHHFFPS believes this detrimental longer term outcome has not so far been taken into account.

While we accept the principle of environmentally sensitive medium density housing as an integral part of Sydney's residential options, we are concerned that it will be implemented as a one-size-fits-all approach without consideration of the prevailing character of the existing neighbourhood, the presence of natural areas and vegetation such as established tree cover, and the topographical and environmental features requiring specific protection from over-development.

In terms of built heritage and Conservation Areas within our suburbs, any reduction in oversight by local planning professionals could inevitably adversely affect existing character, valued over time, and result in loss of sense of place and community harmony. Therefore, it is vital that all development under the Medium Density Housing Code be subject to a Development Application allowing assessment by the local Council as the planning authority. Any further erosion of the right to object by neighbours, as is occurring under the existing exempt and complying development code, must be avoided to retain the social contract.

### **Summary**

- All medium density development must be subject to a Development Application allowing planning assessment by local government and effective oversight at neighbourhood and the broader community level;
- The proposed Code must account for and protect important longer term social and environmental considerations and outcomes;
- The challenges of climate change must be addressed in terms of native biodiversity loss, bushfires, flooding mitigation and health of local waterways;

- The proposed Code should not rely on the role of private certifiers when serious concerns exist over numerous cases of private certifiers giving the green light to non-compliant developments;
- The proposed Code must not threaten retention of low density single dwelling residential areas (zone R2) with their vital and vibrant contribution to our suburbs providing gardens, tree cover, habitat and social wellbeing.

The RHHFFPS is concerned that our suburbs are changing too rapidly and in ways that are threatening the social, historical and environmental values we have appreciated over many decades. We would wish to see the Government's planning reforms taking full account of the requirement to preserve established community interest as well as the habitat that currently enables native wildlife to uniquely exist and continue to flourish in a global city such as ours. It is vital that the quality of life in our suburbs is maintained into the future.

Yours sincerely,

Brigid Dowsett,  
Secretary, RHHFFPS