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Reference: TRIM FILE12/1268



15 November 2016

Director, Codes and Approval Pathways
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam,

Re: Draft Medium Density Design Guide

Thank you for your email seeking feedback on a draft Medium Density Design Guide and an Explanation of Intended Effect for a draft Medium Density Housing Code.

Moree Plains Shire Council has reviewed the supplied documentation and agree in principle with the structure of the document having set "Objectives" and "Design Criteria" to achieve them. The Design Criteria set a clear and measurable standard of how each objective can be practically achieved and add to the readability of the document. Alternate solutions which achieve the objectives are facilitated by being assessable on their merits which is positive.

For common development like housing, the use of form-based codes which strictly regulate key outcomes of new development, while at the same time providing a greater certainty for all involved about the appearance of buildings, allow quicker, more cost effective development assessment. However, by including Medium Density Developments as Complying Development the potential for conflict may be created in instances where the requirements for Complying Development are more generous than the requirements for Development Applications stipulated by local council's Local Environmental Plans (LEP) and Development Control Plans (DCP).

This problem is further exacerbated by development on flood-prone land. While the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* currently stipulates development standards for flood control lots, it does not take into account site specific characteristics or the design standards relevant to the proposed development nor does it require flood assessment for outbuildings on flood prone land.

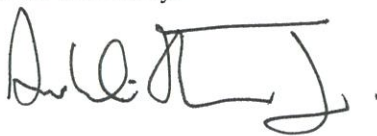
The proposed amendments would have disparate impacts on rural and urban areas. This is due to differences between their respective levels of demand and community expectations. There is less pressure driving development in rural areas while the assessment times for Development Applications are generally better than those in urban areas. As such there is considered to be less necessity to implement Complying Development as a box-ticking approval format for medium density housing.

Moree Plains Shire Council does not support the proposed amendments on the basis that a generic approach to medium-density housing will result in negative unintended consequences. It is suggested that the proposed amendments should apply solely to new release areas and lands identified in strategic growth planning.

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If you require any further clarification please contact Murray Amos, Senior Urban Planner on the contact details above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Angus Witherby', followed by a period.

Mr Angus Witherby

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
