



KIAMA MUNICIPAL COUNCIL

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Reference:

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

Dear Sir

Draft Medium Density Design Guide

I refer to the subject draft and submit the following comments on behalf of Kiama Municipal Council.

The draft, whilst putting forward a number of valid objectives and development standards, appears to be more relevant to Metropolitan urban areas and greenfield development as opposed to infill development, particularly in Regional areas where specific character exists.

Kiama Council, along with other Councils outside the Sydney Metropolitan Area, have adopted a policy position of encouraging medium density infill development as a means of meeting housing demand. This higher density needs to have regard to, and be sympathetic with the existing character of the area in which it is proposed. Such elements as building materials, roof form, building rhythm and articulation have not been specifically considered in the discussion paper in terms of existing/desired character.

Whilst the intent is highlighted for local communities and Councils to prepare local character statements, this needs to be completed prior to any consideration being given to allowing complying development. Given the very broad range of elements that may go to making up "character", community consultation is paramount in attempting to arrive at quantifiable and measurable criteria/development standards that make up an overall character statement.

Whilst the objectives and development standards put forward in the draft are a very good starting point for formulating local standards, it needs to be highlighted that controlling built form is only one aspect of character retention. Minimum lot size, boundary setbacks and landscaped areas are a significant aspect of local character and the standards put forward in the draft document would not be acceptable in many localities.

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your council
your community

The proposal within the draft document to allow the specified forms of medium density in low density zones is contrary to Kiama LEP provisions and adopted community standards. As stated above, this Council has undertaken a strategy of higher densities in the R3 Residential zone. This is a position taken after significant community consultation and a desire to protect the amenity and character of low density areas. Forcing a higher density of development above the adopted Local Environment Plan is strongly opposed.

The issues of solar access and privacy have not been adequately addressed, particularly having regard to the potential to have significant impacts on adjoining property owners. This is a particular concern where adjoining property owners will have no opportunity to comment in regard to complying development.

The draft standards for solar access and private open space are below adopted, local standards. This is a significant concern for retention of local character and general amenity for occupants. The lack of private open space is compounded when proposed developments are located away from useable public open space, the draft has no consideration of this issue.

The draft development standards do not show any capacity to consider established Planning Principles adopted by the Land and Environment Court. The "view sharing principle" is one that impacts many developments within this area, but principles relating to privacy and overshadowing are also relevant. In many instances, development outcomes are mediated between parties having regard to relevant planning principles. The proposed complying development methodology does not show consideration of any relevant principle.

In addition to the above, the following more specific comments are submitted:

- Where rear setbacks are nominated as areas of private open space, what measures will be taken to ensure that further development is not carried out by way of exempt and complying development?
- Where a minimum 900mm wall setback is nominated, what consideration has been given to eaves/gutter setback. There is a risk of having a majority of buildings with narrow eaves/gutter which may present design/character issues.
- How are landscaped areas protected from further development under exempt and complying provisions?
- Insufficient information has been provided in regard to articulation zones and allowable encroachments.
- The requirement for privacy screening has been nominated but no standard has been put forward. It is likely that screening would be heavily utilised if these standards were adopted, thus the design impact should be able to be considered at this time. Further, screening is an element that can be readily altered after completion, raising enforcement issues.
- The extensive use of privacy screens has the capacity to result in long sections of blank walls/screening along boundaries, eg balconies extending to within 900mm of a boundary, forming POS but fitted with screening to comply privacy requirement. This is not a good design outcome.

- Where balconies are also POS, screening would need to be considered when calculating solar access
- No provision has been made for internal privacy i.e. where internal windows overlook POS/balcony of adjoining residential unit on same allotment.
- Required carparking spaces should not be permitted in front of the building line.
- Mezzanine floors should be excluded as are attic rooms
- No numeric standard has been put forward in regard to waste disposal facilities. This would need to be in keeping with local waste management and servicing standards.

Council acknowledges the advancements made since the original "missing middle" discussion paper and feels that the draft development standards are a good baseline document for greenfield areas.

The issues highlighted above, particularly regarding character and compliance with local land use zones are significant and have the potential to have marked, adverse impact on existing urban development. As a result, Council does not support the proposal to allow the nominated medium density developments as complying development and would be happy to participate in any further discussions on the issue.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Phil Costello', with a stylized flourish at the end.

Phil Costello
Director of Environmental Services