

# COFFS HARBOUR CITY COUNCIL



Our ref: 5476996

12 December 2016

Director, Codes and Approval Pathways  
NSW Department of Planning  
[codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)

Dear Sir/Madam

## **Draft Medium Density Design Guide and Draft Medium Density Housing Code**

I refer to the draft Medium Density Design Guide and draft Medium Density Housing Code which is currently on public exhibition until 12 December 2016.

Please find attached a submission on the draft guide and housing code.

Should you require additional information as a result of this submission please do not hesitate to contact Marcy Mills on 02 6648 4656.

Yours faithfully

A handwritten signature in black ink, reading "Marcy L Mills".

Marcy Mills  
Senior Planner / Urban Designer  
Local Planning

## ***SUBMISSION TO THE DRAFT MEDIUM DENSITY DESIGN GUIDE AND MEDIUM DENSITY HOUSING CODE, DECEMBER 2016***

### **1. General**

This submission has been prepared to provide feedback on the draft Medium Density Design Guide (MDDG) and draft Medium Density Housing Code (MDHC), which are currently on exhibition until 12 December 2016.

### **2. Medium Density Housing Code**

- **General Comments**

#### **State Wide Application**

It appears that the draft MDHC has been designed to facilitate an increase in low cost medium density housing supply and choice that will easily fit into established areas which are largely unconstrained or affected by significant topographical characteristics, such as Sydney's Growth Centres.

The standard controls within the draft MDHC have not been designed to suit land in regional and coastal areas which are subject to various environmental constraints and characteristics.

This is evidenced by the low numbers of complying development applications received in these areas as the land based controls preclude most of the land. In the previous three reporting periods, Coffs Harbour City Council received an average of 19 complying development certificate applications compared to 1035 development applications.

Land that is steep or vulnerable, or land that is affected by environmentally sensitive areas, flood hazard, potential acid sulfate soils, significant environmental values, coastal hazards and foreshore areas with significant views should be assessed in accordance with local planning controls that have been developed by the local Council in consultation with the relevant communities. Controls that are generic to generally flat unconstrained land are not appropriate in such circumstances.

Simplifying the land based exclusions is not the answer, as code based assessments are not appropriate in such circumstances due to the sensitivity of this land. The MDHC should apply only to Local Government Areas (LGAs) which are suitable for such development.

Two-storey residential developments can have unacceptable impacts in terms of view loss, privacy and overshadowing due to topography and the desire of developers to gain access to significant coastal views. The draft MDHC proposes to enable development with building heights of up to 10m (three storeys). Such development should be subject to local planning controls that have been developed specifically for that locality to minimise impacts from the development on adjoining land.

Coffs Harbour City Council is currently in the process of revising the Local Growth Management Strategy for the Coffs Harbour LGA and is about to proceed to stage two of the Residential Strategy component. The outcomes of this process will be robust local planning controls that have been developed in consultation with the local community.

The Design Guide even states that the future character of an area should be determined by the local Council and the community. However such character (and community vision) will be undermined by the MDHC if there are inconsistencies in the development controls for the approval pathways and if the land based exclusions are simplified to allow more code based assessment.

On this basis, the MDHC should not apply to the Coffs Harbour LGA.

### **Certification Process Failure**

It has already been determined (and acknowledged by the Department of Planning and Environment) that the existing certification process for Complying Development is not achieving the desired results. A very limited amount of complying development meets the specified development standards.

This is likely to be a result of complex development standards in the codes; application of the codes generically across NSW to land that is inappropriate; and due to building certifiers being made to assess development and interpret controls that are best suited to planning professionals.

To include additional development types as being code assessable, particularly those that are more likely to result in impacts on adjoining land, would result in more unsatisfactory complying development.

The controls contained in the MDHC are complex, even more so than the existing codes. The outcome of such pathway is likely to be large numbers of non-compliant development with associated impacts on local communities. Amendments to the *Environmental Planning and Assessment Act* 1979 are unlikely to resolve the issue of complex planning matters being assessed by building certifiers.

- **Development Standards**

#### ***Medium Density Housing Code***

Two Dwellings Side by Side:

The design criteria for this development type will enable a minimum lot size of 200m<sup>2</sup> on land zoned R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential under *Coffs Harbour Local Environmental Plan* 2013 (LEP 2013).

Whilst this is appropriate in the R3 and R1 zones and meets the objectives of these zones, it is not appropriate in the R2 Low Density Residential Zone and is inconsistent with the objectives of this zone, which is to provide for housing needs within a low density residential environment. The current minimum lot size for this zone under LEP 2013 is generally 400m<sup>2</sup>.

The housing code will enable Torrens title lots of 200m<sup>2</sup> in the low density housing zone. By comparison Clause 4.1B of LEP 2013 only provides for a dual occupancy if the area is at least 800m<sup>2</sup>. In this regard, the housing code will result in significantly inconsistent development within streetscapes dependent upon the approval pathway chosen by applicants with no regard to the vision of the local community.

### Multi Dwelling Housing (Terraces)

The design criteria for this development type will enable a minimum lot size of 200m<sup>2</sup> on land zoned R1 General Residential and R3 Medium Density Residential under *Coffs Harbour Local Environmental Plan 2013* (LEP 2013). The recommended principle controls for this development type in Appendix 5 of the MDDG suggests further reductions to the minimum lot size for this development type to 150m<sup>2</sup>, 130m<sup>2</sup> and 100m<sup>2</sup>. The proposed housing densities are appropriate in the R3 and R1 zones and meet the objectives of these zones.

The proposed setbacks for this development type will however enable a zero setback to laneways. The outcome of this could result in the streetscape of the entire lane consisting of garage doors.

*Coffs Harbour Development Control Plan 2015* contains provisions to enable the activation of laneways to maintain safety and improve livability recognising the value of laneways in the urban landscape.

The design criteria relating to rear lane setbacks are therefore not supported due to the inconsistencies that would result from the approval pathways and the resulting negative impacts on the urban landscape of laneways.

It is also noted that the rear setback controls for this development type differ between the design guide (0m) and Appendix 5 of the design guide (3-6m).

### **Subdivision**

The proposal to allow for Torrens Title lots as small as 200m<sup>2</sup> on land zoned R2 Low Density is not supported as it is inconsistent with the objectives of this zone, which is to provide for housing needs within a low density residential environment.

The current minimum lot size for this zone under LEP 2013 is generally 400m<sup>2</sup>. By comparison Clause 4.1B of LEP 2013 only provides for a dual occupancy if the area is at least 800m<sup>2</sup>. In this regard, the housing code will result in significantly inconsistent development within streetscapes dependent upon the approval pathway chosen by applicants with no regard to the vision of the local community.

## **3. Medium Density Design Guide**

### **• Application**

The MDDG states that it is important that dwelling types are not grouped together in one location but 'salt and peppered' in a variety of locations. This is to ensure that development provides interest and variety of in housing forms.

It is unclear as to how the guide or code will ensure that this occurs. A weak statement at the rear of the guideline will not enable development assessment planners to refuse or request changes to development proposal if it is not 'salt and peppered'. It is therefore likely that the outcomes realised on the ground are a monotone of similar housing types and a very undesirable streetscape with no character or appeal.

- **Part 2 – Design Guidance**

The Frequently asked questions document (which is on public exhibition with the guide) states that Councils may decide to adopt some or all of the design principles and standards within their local planning policies. The Explanation of Intended Effects (which is also on public exhibition with the guide), however states that where a Council adopts the MDDG it is to be adopted in its entirety. It is therefore unclear if Council will have the ability to include some and not all of the design principles or standards.

- **Part 3 – Design Criteria**

See discussion provided above under development standards.