



SC597
16/376789

15 December 2016

Ms. Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

**RE: SUBMISSION TO DEPARTMENT OF PLANNING & ENVIRONMENT- DRAFT
MEDIUM DENSITY HOUSING CODE AND DRAFT MEDIUM DENSITY DESIGN GUIDE**

Dear Ms. McNally,

Thank you for the opportunity to comment on the proposed amendments. The changes seek to include medium density housing, as complying development, under *State Environmental Planning Policy (Exempt and Complying Codes) 2008* and the Draft Medium Density Design Guide.

At its meeting of 13 December 2016, Council resolved to forward a submission to the Department. The minutes of the Council meeting and Camden Council's submission are attached to this letter.

As outlined in the submission, Council objects to the inclusion of medium density housing as complying development. The proposed amendments appear to be designed for infill developments in inner Sydney suburbs rather than in the greenfield and low-scale residential areas that make up the Camden LGA.

The proposed changes affect Council's ability to control and predict population density, undermining the master planning process and affecting the efficient delivery of planned infrastructure. Further, Council is already providing streamlined approvals to meet the housing needs of the Sydney metropolitan area. Proposed amendments to increase medium density developments will undermine the integrity of controls aimed at providing planned housing diversity in Camden's South-West Growth Areas.

If the proposed changes were to proceed, we would respectfully request that the Council LGA be excluded.

Should you or your officers require any further information, or wish to discuss Council's submission, please do not hesitate to contact me on (02) 4654 7795 or tina.chappell@camden.nsw.gov.au.

Yours sincerely,

Tina Chappell
MANAGER STRATEGIC PLANNING



**Submission to
Department Planning & Environment**

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

13 December 2016



Introduction

Camden Council welcomes the opportunity to comment on the Draft Medium Density Housing Code (MDHC) and the Explanation of Intended Effects – Proposed Medium Density Design Guide (MDDG).

Camden Council objects to the inclusion of medium density housing as complying development and to permit subdivision of allotments below that of the minimum allotment size control.

The legislative changes to the Housing Code and controls in the MDDG appear to be designed for infill developments in inner Sydney rather than Councils, such as Camden, where greenfield development is the norm. The changes affect Council's ability to control and predict population density, undermining the master planning process and affecting the efficient delivery of planned infrastructure.

This objection is in addition to Council's submission, dated 26 February 2016 to DPE's discussion paper *"Options for Low Rise Medium Density Housing as Complying Development"*. Council is concerned that the draft documents have not sufficiently addressed a number of key concerns raised in the last objection. Particularly, the challenges associated with introducing unplanned development in locations where precise infrastructure and community planning is required.

A copy of Council's objection to the discussion paper is **contained in Attachment 1**.

Key concerns relating to the draft documentation

Council has identified the following key concerns and issues, with the draft documentation:

1. Strategic Intent of the proposed amendment

The Draft South-West District Plan has identified a need for an additional 143,000 dwellings in the next 20 years, with Camden proposed to provide a large percentage of this housing target.

From 2012-2016, approximately 8,220 residential lots were approved by Camden Council, this equates to an average of 2,055 lots per year.

In addition, Camden Council's average determination time (November 2015 – 2016) for a development application is approximately 34.5 days, meeting legislated requirements.

While Council recognises the need for greater housing diversity and streamlined approvals, the above statistics show that Camden is already achieving these targets by providing a large proportion of housing within targeted timeframes.

Camden Council is unique in that the large majority of the LGA is within the South West Priority Growth Area. The challenges faced within a greenfield area are not the

same as an infill area in inner Sydney and therefore, the changes are not considered the most appropriate way to facilitate increased development in the LGA.

A better approach would be to ensure that each area of Camden has targets for the provision of a range of housing types and densities in appropriate locations. This would then provide Councils with greater control over densities and urban design outcomes, whilst still achieving target for the provision of affordable housing.

Recommendation

That the Camden LGA should be excluded from the draft changes to the Codes SEPP.

2. Impacts on housing density and associated planned infrastructure.

The proposed subdivision amendments, to allow torrens title subdivision below Council's minimum allotment size, could result in unpredictable density increases across the Camden LGA.

In established suburbs, these changes will enable the approval of torrens title subdivision below the minimum allotment size. The proposed changes will increase the viability of this form of housing and result in an increase of medium density housing and dual occupancies, and a corresponding increase in residential density.

The changes will affect Council's planning infrastructure provision and affect neighbourhood character.

In greenfield areas, increase without consultation will affect the preparation of VPAs and contribution plans. Unpredictable population increases make the provision of open space, community facilities, and road networks provision difficult. Incorrect contribution plans can also affect housing affordability, as increased contribution levies equate to higher build prices.

Recommendation

The proposed amendments to the Codes SEPP will create significant contribution planning and infrastructure provision issues within the LGA.

Greenfield areas are subject to extensive master planning to ensure infrastructure is sized and appropriately located to cater for the new community. Master planning also ensures an appropriate mix of densities and housing types in the right locations, with improved urban design outcomes. The proposed changes would negate the masterplanning process by providing additional densities outside those predicted by the masterplan.

3. Inadequate community consultation proposed under the Housing Code changes

Under clause 130AB of the *Environmental Planning and Assessment Regulation 2000* (the Reg), CDCs are only notified to properties within 20m of the site and



Council. This process does not allow for making of or consideration of submissions from neighbours.

Given medium density housing have inherently greater impacts on the local community, require a greater level of resources, and have the potential to significantly affect the streetscape character; the absence of proper community consultation is unacceptable and not in the public interest.

Recommendation

That the Reg be amended to include an exhibition period, similar to Development Applications, to allow the community and Council to make comment on medium density developments.

4. Impacts on Council resources

The proposed amendments will impact on Council resources.

Approvals under the current Codes SEPP are less complex and require limited information and/or involvement from Council officers. The proposed changes to include medium density housing will require increased referrals to council staff for information and advice on waste collection, drainage infrastructure and capacity and local traffic impact and advice.

Recommendation

Should the proposed amendments proceed, it is recommended that the regulations also be reviewed to allow Council to levy for advice on matters that affect Council assets and infrastructure.

5. Mandated carparking controls not reflective of Camden LGA

The MDDG controls require only 1 car space per dwelling, irrespective of the number of bedrooms.

Camden DCP 2011 requires a minimum of 1 car parking space per dwelling plus 0.2 spaces per 2 bedroom dwelling plus 0.5 spaces per 3 or more bedroom dwelling. Therefore, a 4 bedroom dwelling would require 2 spaces.

Given that 68% of households in Camden LGA have access to two or more motor vehicles compared to 44% in Greater Sydney, additional car parking, over and above the MDDG control, is required to accommodate for the needs of the local community.

Additionally, the 6m minimum lot frontage width required by the MDDG (for dual occupancies and terraces) restricts the ability to provide on-street parking, when a driveway is proposed at the dwelling frontage.

The insufficient car parking requirements in the Codes SEPP will place unreasonable pressure on on-street parking.

Recommendation

Council's DCP parking and frontage requirements should apply to CDC developments.

6. Technical Concerns regarding controls

In addition to the wider strategic concerns discussed earlier in this report, there are a number of technical concerns regarding the implementation of the proposed changes which are summarised below and discussed in greater detail in the submission:

- Issues associated with basement car parking has not been sufficiently considered

The MDDG does not consider matters such as salinity, flooding and groundwater movements, which are of key concern.

- Acoustic Treatments

The requirement for 2.1m high acoustic walls along classified roads is not supported. This will result in poor urban design outcomes and eliminate passive surveillance to the street.

- Setbacks in laneways

The requirement for a zero setback from laneways is not supported. This would not provide sufficient setbacks for large vehicles to pass through laneways or for waste vehicles to empty waste without damaging private property.

- Concerns re accessible parking and adaptable housing

The guidelines do not consider the provision of adaptable housing. Should the proposed changes proceed it is recommended that a provision be included for the mandatory provision of adaptable housing for multi-dwelling developments.

7. Review of Certifier Qualifications

The proposed changes to the Codes SEPP will enable certifiers to approve medium density housing as complying development as outlined earlier in this report. The current system for CDC approvals does not require certifiers to undertake merit based assessment or consider urban design outcomes.



Recommendation

It is recommended that the DPE review the current requirements for certifiers in NSW and ensure suitable training for certifiers undertaking medium density approvals.

Concluding comments

For the reasons set above, Camden Council objects to the proposed Draft Medium Density Design Guide, the proposed changes to include medium density housing types as complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the addition of Clause 4.1C – Subdivision in the Standard Instrument.

Council Officers have reviewed the draft documents and raised concern, relating to the relevance of the documentation to achieve housing targets in the LGA, infrastructure provision, urban design outcomes, community consultation and Council resourcing.

While Council recognises the need for housing diversity in the Sydney metropolitan area, other methods such as the implementation of strategic housing policies and encouraging housing diversity during the rezoning process are preferred to achieve this outcome. These approaches are consistent with the initiatives of the Draft South-Western District Plan.

In considering the above, it is requested that the DPE does not proceed with the proposed changes to the Codes SEPP. However, if the proposed changes were to proceed, it is recommended that they do not apply to the Camden LGA.

79C(1)(e) of the *Environmental Planning and Assessment Act 1979* is not in the public interest.

ORD13/16 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ORD07 POST-EXHIBITION REPORT - PLANNING PROPOSAL TO AMEND THE SYDNEY REGION GROWTH CENTRES SEPP AND CAMDEN GROWTH CENTRES PRECINCTS DCP AMENDMENTS - CATHERINE FIELDS PART PRECINCT

Resolution: Moved Councillor Fedeli, Seconded Councillor Morrison that Council:

- i. adopt the draft Planning Proposal (as amended) and draft Camden Growth Centre Precincts DCP (as amended) for Catherine Fields (Part) Precinct;
- ii. submit the draft Planning Proposal to Department of Planning and Environment requesting the plan to be made;
- iii. forward the amendment to the Camden Growth Centres Precinct DCP to the Department of Planning and Environment in accordance with the amended delegations issued to Council on 19 January 2015 and request that the DCP amendment be made;
- iv. publicly notify the adoption of the DCP in accordance with the provisions of the Act and Regulations; and
- v. advise submitters of the outcome of this report.

ORD14/16 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ORD08 SUBMISSION TO DEPARTMENT OF PLANNING AND ENVIRONMENT - PROPOSED MEDIUM DENSITY HOUSING CODE AND DRAFT MEDIUM DENSITY DESIGN GUIDE

Resolution: Moved Councillor Fedeli, Seconded Councillor Sidgreaves that Council:

- i. endorse the submission that objects to the Proposed Medium Density Housing Code and Draft Medium Density Design Guide;
- ii. forward the submission to the Department of Planning and Environment; and
- iii. forward a copy of the submission to Mr Chris Patterson, State Member for Camden.

ORD15/16 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ORD09 RESPONSE TO NOTICE OF MOTION - THE IMPACT OF CELTIS SINENSIS, CELTIS AUSTRALIS AND CELTIS OCCIDENTALIS ON THE ENVIRONMENT

Resolution: Moved Councillor Sidgreaves, Seconded Councillor Fedeli that Council