

Our Reference: F2004/08242

Ms Lynne Sheridan
Manager, Codes and Approval Pathways
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

19 December 2016

Dear Ms Sheridan,

**RE: Draft Medium Density Design Guide and Explanation of Intended Effect
for the new Medium Density Housing Code**

Thank you for the opportunity to comment on the draft *Medium Density Design Guide* and Explanation of Intended Effects for the new *Medium Density Housing Code*.

Randwick City Council's submission on the exhibited documents is enclosed. If you have any questions, please do not hesitate to contact Joshua Coy, Senior Strategic Planner on telephone 9399 0961.

Yours sincerely,



Alan Bright
Manager Strategic Planning

Randwick City Council submission on *Draft Medium Density Design Guide and Explanation of Intended Effects: Medium Density Housing Code*

1. Introduction

Randwick City Council thanks the Department for the opportunity to comment on the Draft Medium Density Design Guide (MDDG) and Medium Density Housing Code. Council acknowledges the Department's efforts in investigating options to expand complying development for medium density housing types as a measure to address housing supply and diversity to meet population growth, and the steps that have since been taken following the exhibition of the 'Missing Middle' Discussion Paper to address issues raised by Councils and other stakeholders. Council notes that there have been a number of positive changes in relation to the permissibility of the new medium density dwelling types and their associated proposed controls following the exhibition of the 'Missing Middle' Discussion Paper. In particular, Council welcomes the move to only permit medium density dwelling types where they are already permissible in a Council's local environmental plan, and the addition of design criteria to better address amenity issues relating to adjoining properties.

Despite this, Council remains concerned with a number of elements, and remains opposed to the expansion of the complying development process for more complex and intensive forms of development. Of particular concern are the proposals to remove of a cap on the number of dwellings that may be approved in the one complying development certificate; the introduction of studios to the rear of dwellings as ancillary development; the proposal to override Council's minimum lot size requirements through the creation of a new model provision (Clause 4.1B 'Minimum lot sizes for a dual occupancy multi-dwelling housing and residential flat buildings') in the Standard Instrument LEP; and the continued absence of amenity controls that respond to issues arising from the potential of view loss in proximity to coastal areas.

There are a number of distinct factors unique to Randwick City that makes code assessment a particularly unsuitable alternative to merit assessment. The existing irregular and convoluted subdivision patterns (that are often also encumbered with steep and sudden level changes across lots), complex amenity issues such as view loss (whether it be actual or perceived), and the comparative lack of transport accessibility in Randwick's southern suburbs as compared to northern areas of the LGA demonstrate the difficulty Randwick would have in controlling the impacts of a blanket policy, as is proposed in its current form.

There also remain a number of specific design issues that risk undermining other areas of Council's comprehensive planning approach, including the proposal to allow for the development of rows of small lot terraces, each with their own driveway access. The promotion of land fragmentation (subject to Council's being required to insert a new model provision Clause 4.1 from an amended Standard Instrument LEP) in conjunction with the increase in frequency of driveways fronting a primary road has the potential to remove all on-street parking along

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frontages where this form of housing is developed, resulting in an unacceptable loss of amenity for residents and other users.

In light of these issues, Randwick Council considers that it remains best placed to address housing supply and diversity to meet population growth through local housing and planning strategies. Both *A Plan for Growing Sydney* and the recently released draft district plan for Central Sydney direct Councils to prepare local housing strategies to ensure there is sufficient capacity to deliver long term housing supply. The Council has recently completed a draft planning strategy for the Kensington and Kingsford town centres, which suggests revised planning controls to support the delivery of 5,000 new multi-unit dwellings including affordable housing for this area. The draft strategy was formulated with specialised urban design input and community feedback; and it demonstrates a comprehensive strategic planning approach towards housing delivery. A blanket approach of 'one size fits all' such as those proposed under the 'missing middle code' could undermine the strategic planning work done to date and planned. Council considers that if a Code similar to what has been exhibited is to be implemented, Council should have the ability to 'opt in'. Alternatively, Council should have the opportunity to nominate specific 'inclusion areas' where the Code may apply, subject to a detailed investigation of the subject area's suitability, existing level of amenity in terms of access to services and provision of public transport, and community consultation.

It should be noted that based on verbal advice received by the Department, Council has reviewed the proposed controls as much as possible on the numerical standards described in the *Explanation of Intended Effects* (EIE), and that comments provided herein are therefore limited by this constraint. It is further noted that where numerical development standards have been proposed in the Design Criteria of the Guide, Council has assumed these to be the envisaged controls, as the EIE does not specifically refer to these criteria.

2. Background

The residential dwelling mix in the Randwick LGA has historically developed with a higher proportion of medium and high density residential development compared to other parts of the Sydney Metropolitan Area. According to 2011 Census data, the Australian Bureau of Statistics (ABS) reported that a total of 70.3 percent of dwellings in the Randwick LGA are either medium or high density development, compared with 40.4 percent for the Greater Sydney Statistical Area.¹ In relation to Randwick's low density housing stock, detached dwelling houses are typically clustered in the southern suburbs of the LGA which developed in a post-war context of higher levels of private car ownership, which in turn has led to comparatively lower levels of amenity due to a lack of transport infrastructure and access to services as opposed to the northern suburbs of Randwick City.

In Randwick's lower density suburbs, Council's approach to encouraging greater diversity in dwelling types has been informed by a series of comprehensive residential land use studies that have provided detailed analysis and discussion on

¹ Australian Bureau of Statistics (ABS), *Census of Population and Housing 2011*

the subdivision of land and dual occupancies, as well as an investigation of the evolving subdivision patterns in the LGA's low density residential zones. Council currently permits attached dual occupancies in its R2 zone, and attached dwellings, multi-dwelling housing and residential flat buildings in R3 zones. The scale and intensity of development of all three of these dwelling house types are controlled through the principal development standards of RLEP 2012, with guiding principles in Part C – 'Residential' of the Randwick Development Control Plan 2013 articulating the desired built form and character expected by Council to ensure good design and integration can be achieved with adjoining housing and streetscapes.

In Council's response to the 'Missing Middle' Discussion Paper, a number of concerns were identified:

- Permitting battle axe dual occupancy development in low density residential areas will significantly transform the existing streetscape character of low density neighbourhoods, which when combined with poor architectural design results in poor built form and a loss of amenity (as was experienced in Randwick during the application period of the now repealed Sydney Regional Environmental Plan (SREP) No. 12);
- The application of state wide blanket provisions as proposed in the Discussion Paper would encourage increasing densities in less accessible areas, and create widespread cumulative impacts such as reduced on street parking and negative environmental impacts resulting from an increase in impervious surfaces, a loss of backyard vegetation, and a combined green corridor that exists to the rear of buildings in a typical subdivision pattern;
- The lack of rigour of a code assessment framework to take into account the design and impact of medium density residential development on the site and adjoining properties;
- The inability for Council to control the cumulative impact of horizontal massing of development, particularly in relation to townhouse/terrace style development on large sites;
- There is an inherent difficulty in developing specific standards to control building mass and development density in isolation to a of a proper urban design assessment, which led to the Land and Environment Court establishing the 'Height, bulk and scale' planning principle in *Veloshin v Randwick Council* [2007] NSWLEC 428, and the 'surrounding development' principle in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191; and
- The lack of protection relating to solar access and view sharing for adjoining properties, with the latter a particularly pertinent concern for Council given the wide coastal area within the LGA and the high level of sensitivity in the community to issues relating to view loss in residential areas.

On review of the *Draft Medium Density Design Guide and Explanation of Intended Effects: Medium Density Housing Code*, Council notes that some progress has been made in some areas, with the new requirement that any battle axe dual

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occupancy will require merit assessment and the change to permissibility requirements to now require that proposed development needs to also be permissible in the land use zone identified in a Council's LEP, being two areas where improvement has been made. Despite this, there remain a substantial number of ongoing concerns with the draft Code, which are discussed below.

3. Role and impact of the *Medium Density Design Guide* and *Medium Density Housing Code* for Randwick City

As indicated above, in reviewing the *Draft Medium Density Design Guide* and *Explanation of Intended Effects: Medium Density Housing Code* numerous typographical errors and inconsistencies have been identified in the exhibited documents – including the principal controls – which has limited Council's ability to provide specific comment on the merit of key development standards, including height and FSR. While verbal advice received from the Department has directed Council to respond to the numerical controls identified in the EIE, it is noted that a number of numerical controls also exist in the Design Criteria of the MDDG. As a result, this issue has limited Council's ability to make specific comments on development types.

Erosion of merit assessment process

Council's strongest concern remains that the expansion of code assessment into more complex forms of development further erodes the merit assessment process. Merit assessment provides the opportunity for a meaningful community consultation process, as well as allowing for the consideration of local strategic planning policies and objectives. These two facets of merit assessment have been demonstrated to provide better built form and overall amenity outcomes as they provide the opportunity to identify and respond to site specific constraints or inconsistencies that would otherwise not be identified in a numerical compliance check. Merit assessment has the benefit of being able to assess a development against a set of numerical controls, and then structure an assessment to respond to any exceptional issues or irregularities that are identified. Moreover, the councils existing planning framework (including the comprehensive Randwick LEP and DCP adopted in 2012/13) was based on an extensive community consultation process. Blanket permissibility of the proposed code undermines the extensive strategic work undertaken to help formulate these controls.

In comparison, code assessment of medium density housing – which in almost all cases will result a more intensive use of land following redevelopment – erodes the role and effectiveness of local planning strategies, and does not provide an avenue for community consultation to occur. The result is the erosion of the safety net otherwise provided through the merit assessment process, as code assessment by design is not capable of responding to atypical site specific issues, with irregular falls on site leading to the potential (whether actual or perceived) for overlooking and view loss being two examples that commonly arise when assessing development applications in Randwick.

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Proposed new model provision Clause 4.1B 'Minimum lot sizes for dual occupancy, multi-dwelling housing and residential flat buildings

Council is opposed to the introduction of a new model provision – 'Clause 4.1B' – which will override Council's existing minimum lot size provisions in its local environmental plan in the name of providing what the EIE refers to as "efficient State wide consistency" to the approach of subdividing new lots for the purpose of medium density housing. RLEP 2012 has been endorsed by the community and Council, and represents the strategic direction of future development in the Randwick LGA. As the EIE has a significant number of typographical errors in the section explaining the implementation of the new model provision, it is unclear to Council whether this clause will be an 'optional' or 'required' provision (as both options are referred to), with a model clause inserted that also suffers from typographical errors and appearing incomplete. As explained below, Council does not support the erosion of its ability to develop and implement strategic plans and policies in its local government area.

Role of Council initiated local strategic planning frameworks to deliver housing

While Council understands that the aim of allowing for an expansion of code assessment into medium density dwelling types is to improve housing choice and supply, Randwick has been pro-active in responding to directions by the NSW Government to deliver on its dwelling targets, with local strategic planning frameworks developed to target density where there is existing or future capacity to meet the amenity and accessibility needs of future residents. A recent example of this is a recently completed draft planning strategy for the Kensington and Kingsford Town Centres, which has the potential to support the delivery of 5,000 new multi-unit dwellings, including affordable housing for this area. This approach is also consistent with the Greater Sydney Commission's vision for the role of local government in delivering on the directions of Sydney's Metropolitan Plan, *A Plan for Growing Sydney*, including providing greater housing choice (for example, medium density housing). The draft Central District Plan, released in November 2016, states:

*"Councils are in the best position to investigate opportunities for medium density in these areas, which we refer to as the 'missing middle'. Medium Density housing is ideally located in transition areas between urban renewal precincts and existing suburbs, particularly around local centres and within the one to five-kilometre catchment of regional transport where links for walking and cycling help promote a healthy lifestyle."*²

Randwick supports the principles in the draft *Central District Plan*, and believes that Councils are best placed to conduct local investigations to identify suitable locations for medium density housing, including its suitability as a buffer between higher density urban renewal precincts and existing suburbs. This approach would

² Greater Sydney Commission, *Draft Central District Plan: Co-creating a Greater Sydney*, November 2016, p. 95

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allow Council to take into account specific site conditions, and to focus on transitional area with high amenity and accessibility to services and public transport. In the context of the broader housing delivery agenda of the NSW Government, it would seem short sighted and inconsistent with the direction of the Greater Sydney Commission for the Department to seek to impose an expansion of an inflexible, unnecessarily complex and difficult to administer code assessment process on a Council such as Randwick that has demonstrated its commitment to the housing supply agenda of the NSW Government, and has consistently demonstrated its ability to develop and deliver local strategic planning frameworks that are delivering on the Government's housing supply agenda.

Given that the typical subdivision pattern in Randwick's R3 zones are deep and narrow, the experience of Council has been that few attached dwelling development applications are made, as the amalgamation of sites is more likely to lead to the development of residential flat buildings that deliver a higher yield and provide a higher level of amenity than a double-barrelled terrace type development. As such, allowing the expansion of medium density housing delivery through a simplistic code assessment process risks undermining Council's efforts to develop a sound strategic planning framework through which increased housing can be delivered that not only meets the needs of the community, but also delivers significant public benefit in the form of an integrated and holistic implementation framework that provides increased amenity to residents and the community, improved access to services and public transport, and a more cohesive and considered urban form and character.

4. Comments on the key implications of the *Medium Density Design Guide* and *Medium Density Housing Code* for Randwick City

Permissibility requirements

Council welcomes the proposed change to permissibility requirements in the draft Medium Density Housing Code compared to the previous 'Missing Middle' Discussion Paper, which now requires the development type to be a permissible use in the land use zone in the LEP for the development to be assessed through the complying development process. However, there are a number of outstanding concerns that remain: the requirement to allow a manor home as complying development on any land where multi-dwelling housing or a residential flat building is permitted; the addition of 'manor home' as a defined term in the Standard Instrument LEP; and minimum lot size requirements, including the ambiguity of permissibility requirements for dual occupancies in an R2 zone.

Ambiguity of permissibility requirements in relation to minimum lot size requirements and the LEP – dual occupancies in an R2 zone

It has been identified that the permissibility guidelines for dual occupancies in their current form create a level of ambiguity when assessed against the minimum lot size requirements in RLEP 2012, especially when considered in conjunction with the proposed creation of an additional Clause 4.1B 'Minimum lot sizes for a dual occupancy, multi-dwelling housing and residential flat building' in

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the Standard Instrument LEP, as highlighted above. Assuming the imposition of Clause 4.1B is an optional requirement, under the draft Code requirements the development of attached and detached dual occupancies is deemed to be specified development under the Medium Density Housing Code SEPP so long as the minimum lot size of the original development site achieves the minimum lot size requirement identified in the current LEP, each dwelling has a completed lot area of >200m², and both dwellings have a primary road frontage.

Under RLEP 2012, there are a number of additional subclauses to Clause 4.1 that must also be considered when determining that a proposal complying with the minimum lot size development standard. For example, Clause 4.1A the RLEP only permits strata development of attached dual occupancies in R2 zones if a maximum of one dwelling is situated on each lot resulting from the subdivision (with detached dual occupancies being prohibited in an R2 zone). Therefore, if Clause 4.1 of RLEP is read and considered in its entirety, an attached dual occupancy could not be registered on the same strata title, as is proposed to be acceptable under the draft Code.

Despite this, the draft permissibility framework for a dual occupancy development in the exhibited documentation appears to require that *only* Clause 4.1 needs to be satisfied for a development to be deemed complying development (assuming the development meets the other draft site requirements). Should this be the case, it creates a situation where an attached dual occupancy is permissible if it is deemed to be specified complying development under an amended Code SEPP, but prohibited if assessed under the merit assessment framework. Council does not consider this to be an acceptable outcome, as the Code would effectively undermine the specific objectives of the LEPs minimum lot size controls, as the requirement as currently drafted would only require a private certifier to check that a proposal meets the numerical standard of Clause 4.1, and can effectively ignore Clauses 4.1AA 'Minimum subdivision lot size for community title schemes', 4.1A 'Minimum subdivision lot size for strata schemes in Zone R2', 4.1B Exceptions to minimum subdivision lot size in Zone R3', and 4.1C 'Minimum lot size for dual occupancies (attached)' of RLEP 2012.

Council considers that the proposed requirements for permissibility remain unnecessarily complex for a private certifier to navigate, and difficult for Council to enforce in the case that erroneous complying development certificates are issued. While it is noted that the permissibility requirements introduced in the current draft Code are an improvement on the draft controls exhibited in the Discussion Paper, the issue identified above exemplifies the difficulty in attempting to develop and implement a state-wide blanket approach to assessing and approving development.

Manor Homes

Council has no objection in principle to the proposed amendment to the permissibility requirement that manor homes are only allowed in zones that also permit multi-dwelling housing and/or residential flat buildings, as this better reflects the intensity of a manor home as a medium density form of housing. However, Council remains concerned with the proposal to create a new definition

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of 'manor home' in the Standard Instrument, and then compel Council to introduce this into its LEP. Clarification is sought from the Department in this regard.

Minimum lot frontage and loss of on street parking

A further issue identified with regard to the permissibility requirements for complying development are the proposed minimum primary street widths, especially in relation to the cumulative impact of driveway access to primary roads for terrace-style development and other developments with narrow lot frontages. Under the proposed controls, a compliant scheme only requires a 6m lot width, which is far less than Council's current requirement of a 15m lot width for attached dual occupancies, and 18m for detached dual occupancies (which are only permissible in R3 zone). As is demonstrated in the illustrations from the MDDG below, by allowing vehicular access to a garage within the front setback of a dual occupancy or terrace, the cumulative effect has the potential of removing all on-street parking, with a minimum length of 6m required per on-street parallel parking space.

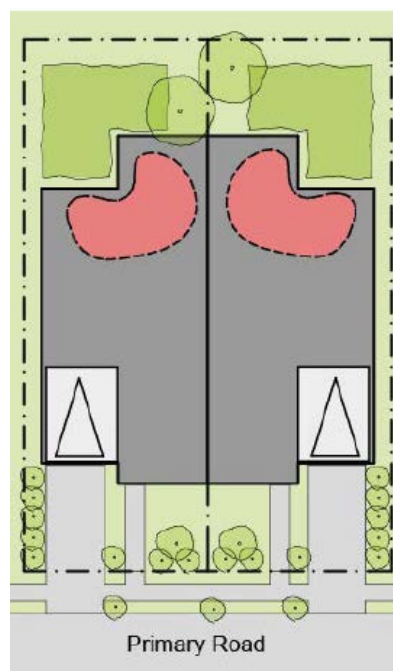


Figure 1. Dual occupancies are permitted to have individual driveway access on a 6m wide lot

Source: *Draft Medium Density Dwelling Guide, p. 81*

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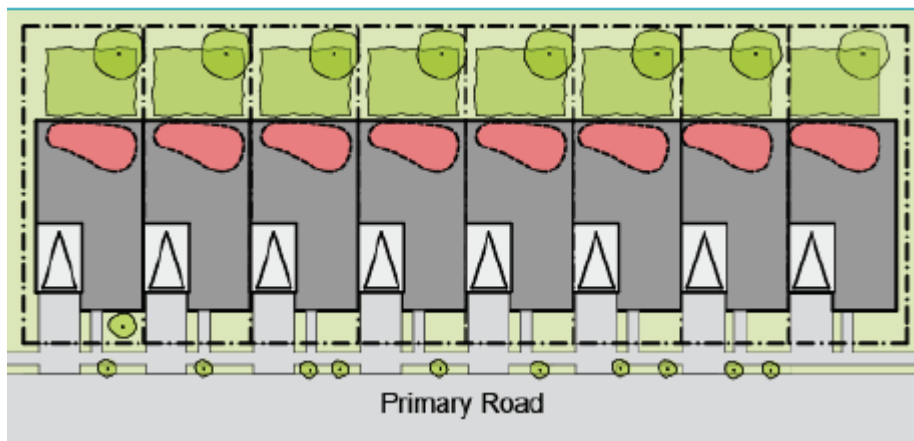


Figure 2. Proposed layout for terrace development: Each dwelling may have a garage and primary road access

Source: *Draft Medium Density Dwelling Guide, p. 99*

The examples illustrated are considered to be both a poor built form outcome and an unacceptable loss of amenity for residents in an LGA that already has a highly constrained parking network, and will dramatically alter the streetscape and amenity currently enjoyed in the Randwick LGA. Further, when accounting for the potential for a reduction of front setbacks than would otherwise be permissible under existing Council development controls, the impact on the streetscape and resulting amenity of adjoining properties – particularly in relation to potential view loss – could be significant. This is all the more concerning when terrace development is already currently permissible in Randwick's R3 zones, and with over half of the housing stock in Randwick consisting of medium density housing, existing development controls are both capable and demonstrated to result in better built form outcomes through a merit assessment process that allows for both an urban design appraisal of proposed development and a consideration of the cumulative impact of development in a local area.

As a worst case scenario, Council believes that it is an appropriate alternative to require mirrored pairs of driveways to provide visual relief and the return of some on-street parking should a row of terraces be constructed through the complying development process. Alternatively, allowing Council to set its own minimum lot size and frontage widths (as opposed to the imposition of a new model provision Clause 4.1B as proposed) would allow Council to retain limited control over the impact on the streetscape.

5. Comments on Design Criteria

Landscaping

In Council's submission to the 'Missing Middle' Discussion Paper, the issue of increasing impervious surfaces and a reducing the minimum requirement of landscaping from 50 percent (as required under Randwick's planning controls) to a scale ranging from 20 – 35 percent (depending on dwelling type) was raised as inconsistent with Council's vision for its low and medium density residential areas. While it is acknowledged that the draft Code seeks to develop a uniform set of

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controls that provide acceptable amenity for small lot housing, Council does not believe that increased density should necessarily result in a reduction of landscaping, private open space, and permeable surfaces. As there are already a significant number of medium density developments throughout the Randwick LGA, a consistent and established medium density character has emerged that provides a high level of amenity to residents and adjoining properties through the use of generous setbacks and a requirement for 50 percent of the site area to be dedicated to landscaping and communal open space.

The cumulative impact of reducing landscaping requirements (to be presumably replaced by dwelling floorplates that are horizontally massed) is the risk that medium density development constructed utilising the proposed controls has the potential to exacerbate the urban heat island effect, which is caused by non-organic materials including concrete and asphalt absorbing thermal heat during the day, and then discharging this heat during non-daylight hours and preventing ambient temperatures from decreasing as would otherwise be the case. The negative impact of the urban heat island effect in relation to both human health and the environment is recognised in the United Nations New Urban Agenda, which was officially adopted in October 2016 at the Habitat III Conference, and to which Australia is a signatory, and is further recognised as a sustainability priority in the draft *Central District Plan*. In this context, Council does not support the reductions to landscaped space proposed in the MDDG, and believes that Council's currently endorsed landscape controls represent a superior outcome for the amenity of residents, as well as the environmental impact.

Floor Space and Building Bulk

As has been previously highlighted, the existing irregular and convoluted subdivision patterns that can be seen throughout the residential areas of Randwick makes code assessment a particularly unsuitable alternative to merit assessment, given the complexity of developing controls that can be applied as an alternative to a proper urban design appraisal through the merit assessment process. This issue becomes particularly apparent when considering that draft controls propose to use floor space (FSR), height and boundary setbacks as the only means to control the building mass through code assessment.

In the case of the principal development standards envisaged for attached/detached dual occupancies, the maximum floor space ratios (which range from 0.75:1 for lots between 200-300m² through to 0.6:1 for lots greater than 500m²) provide far less flexibility than Randwick's existing FSR standard for its R2 zone, which provides a sliding scale of floor space depending on the size of the lot. Of note, Randwick's FSR controls allow for a merit assessment of FSR for sites less than 300m², to provide a means to consider the floor space of a proposed development in the context of other design controls to account for the irregular shape and topography of many of the LGA's residential areas.

In conjunction with minimum landscaping requirements of just 20 percent for 200-300m² lots (up to 35 percent for lots greater than 500m²), the controls in the draft Medium Density Housing Code represent a dramatic increase in the

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envisaged building footprint when compared to the prevailing built form character of Randwick's low density residential areas.

Similarly, in the case of multi-dwelling housing (terraces) or attached dwellings, testing by Council of the proposed FSR and setback controls has indicated that the difference between a compliant and non-compliant scheme is minimal, and assumes a standard rectangular subdivision pattern to ensure the amenity of adjoining properties is not adversely affected by the development of adjoining lots. Given that the subdivision layout of Randwick in many areas is highly irregular, and often characterised by both steep level changes and benefitting from significant views of the coastline and Pacific Ocean, the bulk and scale of residential development and its impact on adjoining properties in relation to view loss is a highly sensitive issue in Randwick. It is noted that the exhibited documents do not propose any controls that respond to view loss, nor does the draft Code provide any formal avenue for an aggrieved party to raise an objection to development relating to issues of view sharing, or view loss within the expanded complying development framework.

Due to the irregularity of the subdivision pattern, the topography and proximity to significant views that are enjoyed in many areas of the LGA, the experience of Council has been that a numerically compliant scheme has not necessarily led to the best planning outcome. As a result Council encourages the Department to explore the possibility of exclusion areas mandated by each Council from a future Code for residential areas where it has been identified that a code based numerical assessment is overly difficult and complex to implement and enforce. This would ensure that good planning and built form outcomes is not compromised by a simplified code assessment process.

Ancillary dwellings

Council notes with concern the proposed addition of studio apartments as an additional form of ancillary development for dual occupancy and multi-dwelling housing development. This is again considered to add a level of complexity that is not suited to the complying development process, given the potential for amenity concerns from adjoining properties, and the difficulty in calculating compliance against the FSR and landscaping provisions on small or irregular shaped lots. Further, the provision for studio development further limits the potential for more than the minimum amount of landscaping being provided, thus increasing the proportion of impervious surface across a development site.

Removal of cap to the number of dwellings that may be approved

The removal of a cap on the number of dwellings that may be approved under the complying development process is a significant concern to Council, given the inherent difficulties that have been detailed in the submission in ensuring that a complying development framework not only achieves technical compliance with the relevant controls, but also delivers a good built form outcome that responds positively to the streetscape, and results in no loss (or an improvement) in amenity to adjoining properties. While the MDDG notes that master planned communities can only be approved through a merit assessment process, it

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appears that the only difference between a master-planned community and the development of a series of rows of terraces is that in the latter, no new roads would be created. However, when considering the cumulative impact of multiple rows of terraces being through a complying development process, it is unclear what the substantive difference would be in terms of the impact developed on the character and amenity of existing or future streetscapes.

Typographical errors in exhibited documents and ambiguous statements

It should be noted that based on verbal advice received by the Department, Council has reviewed the proposed controls as much as possible on the numerical standards described in the *Explanation of Intended Effects* (EIE), and that comments provided herein are therefore limited by this constraint. As a result, Council's ability to thoroughly comprehend and subsequently make comment on the Medium Density Design Criteria, which ultimately the Department is seeking to develop into an enforceable statutory instrument, has been constrained by the numerous typographical errors made with regard to numerical controls in the Design Guide. It is further noted that where numerical development standards have been proposed in the Design Criteria of the Guide, Council has assumed these to be the envisaged controls, as the EIE does not specifically refer to these criteria.

Despite this advice, it should also be noted that in preparing this submission, Council has also identified typographical errors in the EIE, which has had the effect of further limiting the ability to make specific comment on the proposed framework. One key example of this in regard to the discussion of developing new standard instruments clauses for the Standard Instrument LEP, which appear to provide conflicting direction and incomplete clauses.

Conclusion

Council acknowledges the Department's efforts in investigating options to expand complying development for medium density housing types as a measure to address housing supply and diversity to meet population growth, however based on the issues outlined in this submission Council is not supportive of the proposed delivery mechanism that is being proposed in the *Explanation of Intended Effects*, and remains concerned with the ambiguity and difficulty in both interpreting and applying the Design Criteria outlined in the draft *Medium Density Design Guide*.

In contrast, Randwick City Council has in place a series of comprehensive and community endorsed planning instruments and strategies that are successfully delivering on the State Government's housing supply agenda, and believes that the introduction of a complying development process for medium density housing risks undermining Council's adopted strategies. Without further review and opportunity to comment, Council does not consider that the proposed framework will result in either an acceptable or superior outcome to the existing merit assessment process, and requests that the proposal be reconsidered in light of the issues raised in this submission.

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