

Lynne Sheridan
Director Codes and Approvals Pathways
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Sheridan

Draft Medium Density Housing Code

Queanbeyan-Palerang Regional Council appreciates the opportunity to make a submission on the proposed changes to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Housing Code) and the introduction of the draft Medium Density Design Guide.

It is understood the Housing Code will include provisions that set out the permissibility of medium density housing as complying development whereas the draft Medium Density Design Guide seeks to establish design guidelines for medium density housing (whether undertaken as complying or as a development application). Accordingly the comments below address each of these issues separately.

Changes in Respect of the Housing Code

Council is generally supportive of expanding the Housing Code to include medium density housing. Medium-density development represents a significant proportion of new housing being developed in the local government area (LGA) particularly in the urban area of Queanbeyan which adjoins the Australian Capital Territory (ACT). This includes both infill development and development at greenfield sites such as Googong to the south of Queanbeyan.

However it is important that if the code is intended to apply to Queanbeyan-Palerang that it ensure the minimum standards set out in the code are appropriate both in terms of regional expectations and local climatic conditions. It is noted that the *Apartment Design Guide* includes provisions that require a minimum of 2 hours of sunlight in metropolitan areas and 3 hours of sunlight in regional areas. Similar provisions should be included for medium density development.

Further, Queanbeyan-Palerang Regional Council currently requires one car space per bedroom for medium and high density development. This recognises the high car dependence in the area. Such regional differences need to be acknowledged.

In respect of the proposal to amend the existing definition of 'multi-dwelling housing' and to introduce the new definitions of 'manor house' and 'multi dwelling housing (terraces)' this is generally supported.

In respect of the zones within which complying development for medium density is proposed be carried out (ie R1, R2 and R3), Council is of the view it should also be provided for in the R4 High Density Residential zone. Significant areas of Queanbeyan township are zoned R4 and 'dual occupancies', 'multi-dwelling housing' and 'residential flat buildings' are all currently permissible uses within that zone. Council's experience is that it still receives many applications for medium density housing forms in this zone. Council is of the view it is appropriate that the market determine the most desirable development form from the permitted uses in the zone and that there would be benefit in extending complying development for this form of housing to the R4 zone.

The types of developments identified as suitable for complying development (and their accompanying standards set out in Table 2 of the *'Explanation of Intended Effects'*), suggest dual occupancies will be allowed on smaller lots than are currently allowed under the *Queanbeyan Local Environmental Plan (LEP) 2012*. At this time any person wanting to undertake a dual occupancy development in an R3 (or R4 zone) in Queanbeyan requires a minimum area of 600m² before they can construct the dual occupancy and then subdivide it resulting in all new dual occupancies having areas of at least 300m². Similarly, if someone wanted to do what will be defined as a 'manor house' at this time that would be considered to be a 'residential flat building' and would require a minimum area of 1000m² in the R3 zone. The new standards suggest this form of development would be permissible on only 600m², again a significant reduction.

Council's key concern is that the identified standards have been developed having regard to the climatic conditions in Sydney and other coastal areas and may not ensure appropriate solar access and amenity in the case of Queanbeyan-Palerang. Council does allow subdivision of medium density housing down to 130m² in some of its urban release areas, but this development is subject to consent and Council is in a position to ensure the design of the dwellings have appropriate regard to issues such as solar access and the location of private open space. Other concerns relate to the need to ensure adequate car parking.

In respect of the proposed approach to torrens title subdivision, torrens title is overwhelmingly the preferred title for home owners and provisions that provide for torrens titled medium density housing as complying development are supported. However as noted earlier in the comments, some of the proposed are smaller than currently allowed for under *Queanbeyan LEP 2012* and may impact on the ability to produce a design that responds to the local climate.

In respect of the new proposed clause 4.1C *'Concurrent consent for development and subdivision'*, Council already allows subdivision of medium density housing down to 130m² (ordinarily 330m²) in some of its urban release areas where this is for a minimum of four lots and where detailed designs are provided for each dwelling beforehand. Importantly the proponent is required to demonstrate that the design of the dwellings is appropriate and justifies a reduction in the lot size. There does not appear to be any provision in the proposed clause that requires similar design details. It is also confusing as to whether the Department is seeking to apply the clause to all medium density housing or dual occupancies only. The draft wording of proposed clause 4.1C on page 19 of the *'Explanation of Intended Effects'* is also confusing, both in respect of the objectives and the proposed standards. It is also unclear whether the clause is proposed for complying development or for development applications only. The Department needs to revisit the drafting of this clause and clarify its intent. At this time it would not be supported.

Draft Medium Density Design Guide

Council has reviewed the draft Medium density Design Guide. At this time Council would be unlikely to adopt the Guide being of the view Council's current DCP controls

provide a clearer and more suitable guide for development in regional areas. The following comments are provided in respect of the draft Medium Density Design Guide:

- Again, ensuring suitable car parking for non-metropolitan areas will be crucial if Council were to consider adopting the Guide.
- If townhouses propose torrens title subdivision and rear public laneway access, then the laneway will need to be developed to Council standard as it is to be owned by Council. (see proposed Principle 2F page 32).
- Why solar access for two hours between 9-3pm on winter solstice - why not three or four? There is little information that underpins how these standards have been determined. Further is the two hours to living room or private open space? Council's view is that it should be both given the local climate.
- There is little information as to how you determine the solar impact on an adjoining dwelling (p87 control 28)?
- Council is concerned the controls encourage private open space in front of the dwelling.

Again thank you for the opportunity to comment. If you wish to discuss this matter further please contact myself on (02) 6285 6277 or Jacinta Tonner - Team Leader Development on (02) 6285 6113.

Yours sincerely


Martin Brown
Team Leader
Strategic Land Use Planning

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