

01 Types NOT intended as complying development (Scale and type of development too large for CDC) (Typologies also poor exemplars)

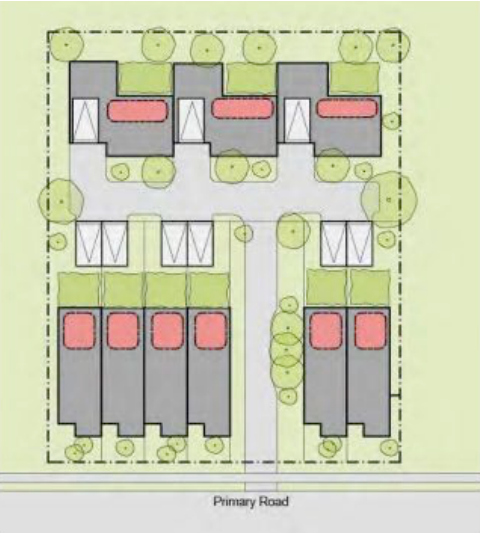


Figure 1 Multi-Dwelling Housing - Mews (MDDG, p187)

02 Inconsistent definitions and Development Standards

Codes SEPP Part 1, Division 1, cl 1.5 Interpretation - General

battle-axe lot means a lot that has access to a road by an access laneway

primary road means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face.

Explanation of Intended Effects (EOIE) Part 3.0, section 3.7 DEFINITIONS

Multi dwelling housing (terraces) means 3 or more dwellings (whether attached or detached) on one lot of land, each dwelling has a frontage to a public road and no other dwellings are above or below.

EOIE Part 3.0 section 3.4 Division 3 - Multi-dwelling housing (Terraces)

Medium Density Design Guide (MDDG) Glossary

Multi dwelling housing (terraces) as defined in the Standard Instrument - Principal Local Environment Plan

NOTE: SILEP definition inconsistent with Codes SEPP

Multi dwelling terrace as defined in the Standard Instrument - Principal Local Environment Plan

NOTE: Different term to Codes SEPP

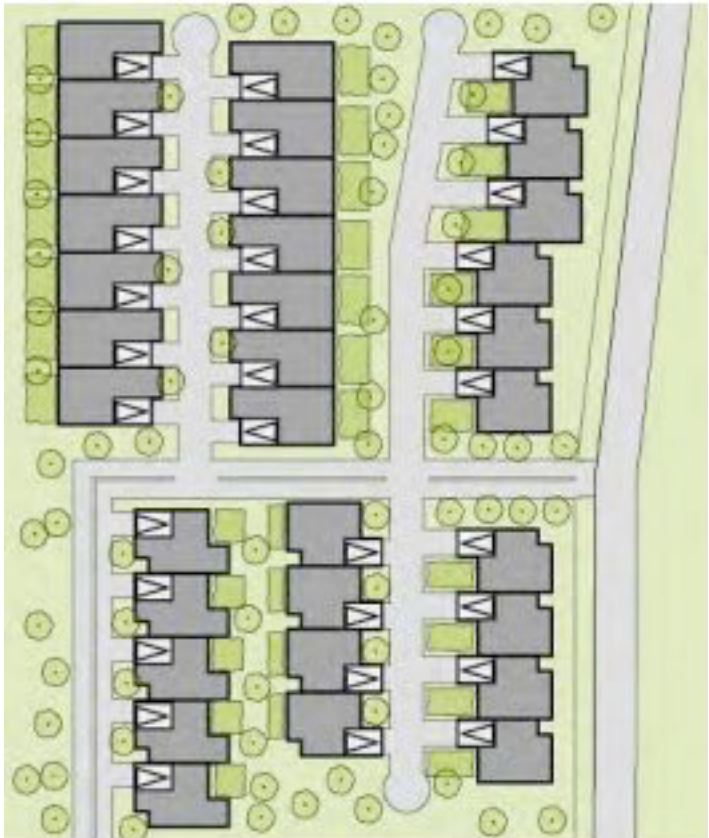


Figure 2 Multi-Dwelling Housing and Master Planned Communities (MDDG Figure 3-10, p119)

03 Inconsistent references to 'public' roads, 'frontage' and 'lots'

3.1 Use of terms 'primary', 'secondary', and 'parallel' roads are used and differentiated from 'public' road in Division 2 - Two Dwellings Side-by-Side, Division 3 Multi-dwelling housing (Terraces) and Division 4 Manor House and Dual Occupancy for Specified Development lot requirements.

There is no clarification or definition whether the 'primary', 'secondary', and 'parallel' roads/streets are public or indeed private.

3.2 Complying development requirements does not define whether a 'lot' is the individual subdivided lot or the parent lot.

Therefore, it can be interpreted that a 'development' is as-completed on the parent lot.

3.3 There is no definition of 'frontage' nor whether it refers to the individual dwelling full extent, or a path or a door, or a parent lot before subdivision or each subdivided lot.

Therefore, there is nothing prohibiting 'frontage' being provided to a private internal road.

Effect: Missing and/or poorly defined terms and/or inconsistent use of terms can facilitate the amalgamation of lots on land zoned for any of the medium density housing types encapsulated by the Codes SEPP

Wording EOIE Part 3.0 section 3.4 Division 3 - Multi-dwelling housing (Terraces) similar Specified Development standards required for Division 2 and Division 4.

Specified Development

...The code only applies to complying development on a lot that meets the following requirements:

- (d) *each lot must have vehicular access to a public road at the completion of the development*
- (e) *the lot must not be a battle-axe*
- (f) *all dwellings must have a frontage to a primary, secondary or parallel road*

NOTE 1: Ambiguous whether 'lot' means parent lot or individual subdivided lot

NOTE 2: Interpretation of private primary roads supported by L+E court judgements *Langford v Copmanhurst Shire Council* 1994 (82) LGERA 262 and Court of Appeal in *McGinn v Ashfield Council* (2012) NSWCA 238

04 Development now able to be approved by CDC with no independent, accountable consent process

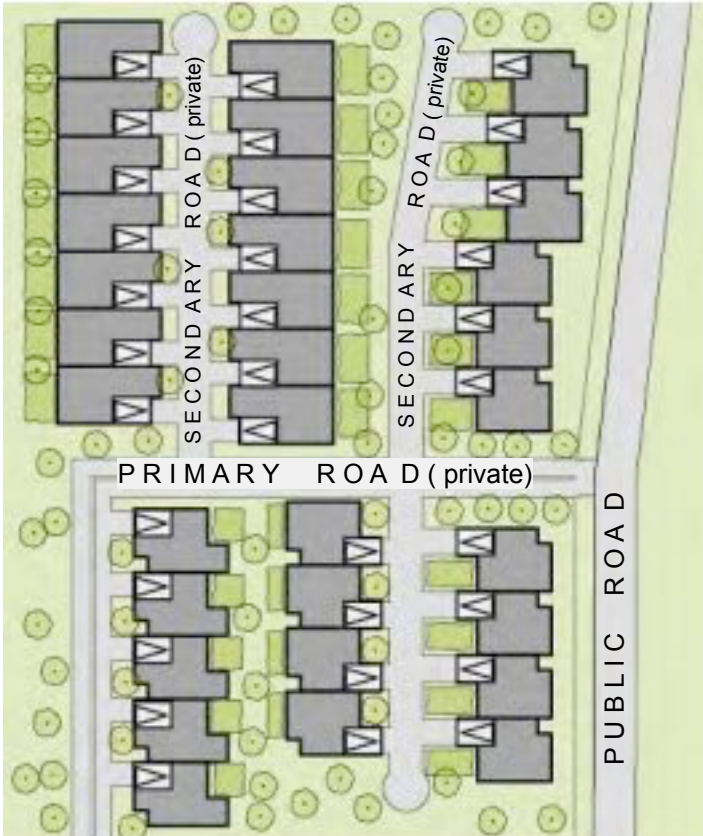


Figure 3 LARGE AMALGAMATED SUBDIVISION (MDDG p119) Could be a combination of one or all of the Medium Density Housing types (depending on local land-use zone)

Completed development complies with (d), (e), and (f) of the Specified Development

Intent for large scale complying development reinforced at MDDG: (typical requirements for all CDC medium density types)

3.3F Internal Streets ...

Objective 3.3F-1 Design Criteria 19 to "Create a hierarchy of streets and lanes"...

Objective 3.3F-3 Design Criteria 27, 29, refers development of "more than 20 dwellings"

Objective 3.3F-4 Design Criteria 32 implies car parking for more than 10 dwellings.