

12 December 2016

Codes and Approvals Pathways
Department of Planning and Environment NSW
320 Pitt Street
SYDNEY NSW 2000

The Director,

PIA (NSW) SUBMISSION PROPOSED MEDIUM DENSITY DESIGN GUIDE & COMPLYING DEVELOPMENT CODE

The Planning Institute of Australia (PIA) NSW regard the delivery of a wider diversity and increased supply of medium density housing stock in the right locations as important for managing population growth, housing affordability and addressing future housing needs as set out in PIA's National Housing Position Statement (June 2016):

<https://www.planning.org.au/policy/Housing-0616>

PIA is pleased that the NSW Government is focussing on improving the quantity and diversity of medium density housing supply. The initiatives should seek to:

- improve the range of housing choice;
- improve design quality;
- reduce approval process time and development risks;
- address affordability; and
- offer incentives to locate denser housing in accessible and high amenity areas.

The thrust of the policy responds to the increasingly diverse lifestyles and housing needs of our major urban areas, including smaller household sizes and an aging population.

PIA NSW responded in detail to the Department of Planning and Environment: *Options for Low Rise Medium Density Housing as Complying Development Discussion Paper* and proposed code SEPP amendment. This submission (February 2016) provided precise advice on the height, setback and floor area design standards for the application of the code. Our earlier submission remains relevant and is available at:

<https://www.planning.org.au/documents/item/7365>

PIA POSITION

The PIA submission recognised that it is appropriate to provide complying development pathways for well-designed forms of medium density housing in the right location and context, including for: dual occupancies, up to 4 terraces or town houses and manor houses focussed in areas of high amenity and accessibility.

Complying development pathways are appropriate in any residential zone where the type of medium density housing covered by the code is permissible in that zone and the development is not over two storeys.

Our position recognises that there should be an equivalent incentive for the delivery of forms of medium density housing in comparison to complying development provisions for detached housing. This could include fast track assessment, as demonstrated by the recent award Liverpool Council obtained for their eportal and fast track DA system for dwellings. The proposed Medium Density Design Guide (MDDG) addresses many of the concerns raised by PIA towards a generic design approach.

However, PIA remains concerned that some complying development enabled under the design guide and code will not achieve satisfactory design outcomes or improve the quality of housing in every case. For this reason, larger scale medium density development of over 4 townhouses or terraces is not supported as complying development without a contextual justification via a district or local housing strategy. PIA regards the risks of poor outcomes from development of this complexity and scale cannot be adequately managed via the certification process.

Effective planning controls are judged on more than the speed with which they allow development to occur. There is a substantial risk of poor design outcomes and higher intensity development occurring in areas with low accessibility. This could result in community backlash and the opportunity to increase the diversity of housing types could be set back for many years. This was the case in the 1990s, following community concern over poor design outcomes from some dual occupancy subdivisions.

For this reason, PIA advocate that Local Housing Strategies (refer Action L1 in Draft District Plans for Sydney) should set the context via a masterplan for:

- where the proposed MD complying code should apply based on the location of zones where different medium density uses are permissible – with reference to accessibility;
- where a 'customised' MD complying code would apply which could set the circumstances in which the code applies (based on accessibility and locally consultative strategic planning); or
- where an alternative fast track DA process would apply.

This less generic approach would better manage the risk of denser and larger medium density development being located in less accessible areas; in which parking, design and amenity standards that would be poorly matched to the suburban context.

The proposed code does not sufficiently respond to the setting - and heavy reliance would be placed on the sign off by the certifier of a 'Design Verification Statement (DVS)'. Were this element to proceed, DVS should be prepared by an accountable professional such as a Registered Architect or Registered Planner (with urban design capabilities). These professionals should have regard to accessibility and the urban form/structure of the area not simply a loose idea of compatibility with the character of an area.

SPECIFIC ISSUES

Frontages, setbacks, minimum lot sizes

PIA has already made a specific submission on the minimum lot size, frontages, setbacks and maximum (two storey) heights for the complying code to apply. We stand by our recommendations and remain concerned that the opportunity for good planning and design

outcomes could be compromised by a complying development approach for semis, townhouses and terraces on very small lots side by side. In particular, the proposed minimum 6m frontage for terraces and townhouses on a 200m² lot is too small to readily accommodate sufficient private open space, landscaped area for trees as well as parking without intensive design attention.

The Department has acknowledged the earlier PIA input but proposed smaller frontages and setbacks for the code to apply for some housing forms. PIA urge the Department to reconsider the threshold lot and frontage sizes for the code to apply based on the recommendations included in our February Submission. We believe that if the Department begins in a more reserved manner, as PIA proposes, then the higher design outcome can be set from the beginning. The Department can then review the code after, say two years. We believe that this is a more prudent approach, and can manage expectations and community anxiousness from the outset.

Locational context and accessibility

There is the potential for the proposed code to incentivise housing intensification in a dispersed pattern in less accessible locations. There are advantages for higher density housing being focussed nearer to accessible centres and where there is greater transport choice (including good public transport access). This planning principle is central to the centres focus of the Draft District Plans. Unless the distribution of residential zones reflects accessibility, the code would not respond to this aspect of the locational context.

PIA assert that there is a role for local housing strategies to play influencing where and in relation to what medium density housing types the code should apply. For example, code-assessable higher intensity medium density housing should be enabled within the walking catchment of a centre and transit stop.

The Greater Sydney Commission are tasked with monitoring the growth and patterns of housing supply and should be alert to perverse outcomes that may emerge from substantial dispersal of medium density growth that may arise from the code.

Design and uniformity

The proposed Medium Density Design Guide substantially reduces the risk of poor built form design outcomes and goes part of the way towards responding to the PIA recommendation for a pattern book. Lot size and integrated housing design are critical if we going to get the design and housing diversity. Adaptable housing measures are also supported.

The complying development pathway does create greater risks of poorer design outcomes. The concept of having Design Verification Statements is supported – but raises the question of whether there should be an accountability requirement for the statements to be prepared by a registered design or planning professional.

Car parking

The uniform provision of one car parking space per dwelling does not respond to the number of bedrooms, the local streetscape, the availability and provision of on street parking nor the availability of other transport options. In dense and highly accessible areas, such as parts of Waverley, there is an argument for no parking to be required. Conversely in parts of Wollongong one space might be insufficient. PIA recommend that local housing strategies modify the parking standards within the code based on accessibility. For example,

medium development within 800m of a town centre or train or major busway stop could have a lower minimum parking standard.

There is also design consideration on the location of driveways on narrow frontages to enable sufficient gaps for on street parking to remain possible. Garages at the front of dwellings also create a design challenge.

Certifier – independence and capability

The code places substantial responsibility on a certifier to sign-off not just on non-discretionary criteria, but also the adequate completion of a Design Verification Statement. The responsibility and risk increases with larger scale complying development proposals (ie over 4 dwellings). The Design Verification Statement will not only address built form but describe how the proposal is consistent with local character. It will be very difficult for a certifier to make an informed judgement and additional safeguards are warranted – including the accountability of the person responsible for the Design Verification Statement to be independent and be a registered design or planning professional.

Secondary dwellings, studios and attics

Once dual occupancy is strata subdivided under the code, the units would become separate dwellings. It is assumed that the current exempt and complying provisions for the erection of studios or granny flats would then be available. The erection of additional buildings may not be desirable without tailored design consideration taking account of the medium density design code.

The code is applicable to medium density development two storeys or less. The code should clarify the definition and design considerations for attics and mezzanine levels to avoid poor design outcomes related to height and bulk as well as poorer environmental / thermal performance from low ceilings and occupied attics. Manor houses are likely to be bulky and should not include attics.

Effectiveness (and feasibility) to deliver additional supply

The overall outcome being sought is an expanded range of medium density housing stock in the right places with high quality design. Advice from several councils is that the code would have a limited impact on the amount of medium density housing capacity because the relevant medium density housing types are only permissible in the R3 zone – and that typically medium density development would not be competitive over residential flat buildings. The extent to which councils rezone to include the medium density housing types in other zones will be critical for the advantages of a complying code to result in substantial supply.

Role of Local Housing Strategies – community input

The Draft District Plans define a role for local housing strategies to determine the way long term housing targets would be met. These strategies offer an opportunity for the community to inform and influence the pattern of growth base on local characteristics. However, the interaction of the medium density code and local housing strategies is not clear. PIA assert that the application of the code should be able to be tailored based on the character, accessibility and heritage factors substantiated in a local housing strategy. In this way housing growth would be distributed to best reflect the local and District Plan directions.

PIA CONTACT

Should you wish to discuss our submission please contact our Principal Policy Officer, John Brockhoff on 0400 953 025 or john.brockhoff@planning.org.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Rudolph', written in a cursive style.

Jenny Rudolph
President, PIA NSW