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SUBMISSION BY THE TOTAL ENVIRONMENT CENTRE TO THE MEDIUM DENSITY DESIGN GUIDE AND THE MEDIUM DENSITY HOUSING CODE

Total Environment Centre (TEC) welcomes the opportunity to comment on the draft Medium Density Design Guide and Medium Density Housing Code.

TEC generally agrees that Sydney has a need for environmentally sensitive urban consolidation and that medium density housing has a role to play in achieving that outcome. However, we hold concerns regarding the Code's administration and where medium density housing takes place. We also have concerns that the proposed expansion of Complying Development across such large areas of land removes the ability of councils and communities to determine and maintain the character and/or amenity of their suburbs and vegetation retention.

TEC opposes the proposal that complying development may comprehensively occur on R1 (General Residential), R2 (Low Density Residential), R3 (Medium Density Residential) and R5 (Large Lot Residential). If approved it would hand the development industry power to operate across all residential zonings without addressing the concerns of communities and councils regarding character, amenity and infrastructure capacity.

To allow complying development across all zonings would dramatically reduce the ability of the Greater Sydney Commission (through the District Plans, retaining and enhancing vegetation coverage and the Green Grid) and local government (through LEPs and DCPs) to strategically plan.

Medium density housing should only take place on land zoned for medium density (R3) through the LEP and proposals to expand medium density zoning should take place at District Plan/local government level. The DA process and the community's right to comment and have input should be maintained, as noted in several places throughout the Design Guide and also by the Greater Sydney Commission.

Not only are minimum lot sizes (400m² for dual occupancy, 500m² for 4 dwellings and 600m² for 10 dwellings) very small, but the 4 and 10 dwelling options would almost universally be taken on by commercial developers rather than 'homeowners'. A greatly expanded system of complying development handed largely to commercial developers should not be considered until the exclusion of complying development from environmentally

sensitive areas (such as koala habitat, urban bushland, coastal environments) is also addressed.

There are also existing concerns within the community over numerous cases of private certifiers giving the green light to developments that have been shown to be non-compliant. These have been raised by local government and community groups as well as within the court system. It is TEC's view that complying development should not be expanded unless compliance and enforcement issues are adequately addressed.

Complying development does not require the assessment of the cumulative impacts of multiple developments including traffic, bushfire, flooding, stormwater and tree canopy. In turn this removes the capacity of government and the planning system to implement strategic plans and in effect diminishes the purpose of the proper planning bodies, while leaving the public to foot the bill. Localities in which the proposed Code takes effect across large areas would be in danger of having their future determined by private certifiers whose poor record of compliance and enforcement remains unresolved.

The impact of a large increase in medium density housing across the urban area (even if only in R3 let alone all residential zonings) will have significant impacts upon a city's resilience to climate change through a reduction in canopy trees, increase in artificial surface area and an associated increase in urban heat. It will result in a net loss of big and/or hollow bearing trees and, through limited setback requirements and restrictions on what can be planted in reduced landscape areas, provide little scope for these to be replaced (and if they are by small trees for many decades). This will have serious implications for urban biodiversity.

The same principle of cumulative impacts applies to stormwater and urban runoff issues with reduced porosity greatly increasing the risk of flash flooding, and the lack of assessment jeopardising the understanding of flood risk in a rapidly changing urban environment.

TEC objects to the introduction of an expanded system of complying development that does not adequately protect or address:

- Government and community ability to oversee strategically planning at state and local government level;
- Sensitive environments from encroachment with buffer zones;
- Loss of mature tree canopy;
- Endangered species habitats including koala habitat;
- Planning outcomes across districts and suburbs being determined by private certifiers;
- Cumulative impacts of multiple developments under the Code;
- Community engagement; and
- The purpose and character of R1, R2 & R5 zones.

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