

Lane Cove North Residents' Association

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Re: Draft Medium Density Design Guide

Thank you for the opportunity to comment on this Draft Design Guide.

While there are some laudable aspects to the Draft Guide, it does not have legislative power and thus can readily be ignored by developers, builders and certifiers. This can, and probably will lead to many sub-standard, unattractive buildings that detract from local environments and ultimately ruin the streetscapes that previously existed. We urge you to turn this into a SEPP that enables it to be enforced.

All of the housing types proposed, including terrace houses, manor houses and two side by side dwellings have a place in increasing density in the suburbs. However, they should not be given the status of complying development in R2 zones. It is quite unfair that neighbours in these areas have no right of comment on what can be quite major developments in low rise, single dwelling areas. The cumulative effect on sewage, roads, parking, schools and childcare are significant. At the very least Councils should be able to seek neighbour comment and enforce compliance. We know from the existing practice of complying development that owners submit their plans and too often build over height or ignore setback requirements, leading to overshadowing of neighbours. There is no recourse to residents so affected and owners know that the Court will not order them to pull down what they've built so they proceed with abandon. This practice can only be stopped if the building is inspected regularly by someone truly independent – like local Council.

The use of private assessors for this type of development will bring the same problems as it has everywhere else they have been used. Assessors chosen by the developer will turn a blind eye to small or even large departure from the rules because they want to please their employer and they want to be recommended for more work. We could go some way towards rectifying this problem if assessors were chosen from a pool held at the office of the Local Council and private certifiers were allocated in order from a list. Neither Council officers nor developers could influence which certifier was chosen for any particular job.

While we see the merit of enabling some of these developments to have a Torrens, rather than Strata Title it may not work well in hilly areas like Lane Cove where small blocks could be quite difficult to


subdivide in this way. Problems that could occur include how to make a vehicle garage address the principle street without dominating the house façade.

While the Association does not per se oppose these means of increasing density, we are very wary of depriving residents and neighbours of the right to comment on what is built next door to them or in their immediate neighbourhood. When people buy a free standing house they choose more than an isolated set of bricks and mortar. They choose a neighbourhood, a streetscape, proximity to schools, parks and shops. Most importantly, they are affected by the ambience of a street. This may not be something they could put into words at the time, but they certainly know when it is threatened by inappropriate buildings. The right of residents to have a say over the look and feel of their street should not be stripped away, bit by bit, until it no longer exists. The ability to determine the look of a street should not be given away to developers, most of whom have no intention of living in the places they build, and therefore have no interest at all in the amenity or lack of harmony they leave behind. The desire of so many people in this State to retain single dwelling areas, or at least ensure that different building types do not destroy their amenity should not be made fun of or dismissed as NIMBY. Government should respect the views of all its electors and work with them to achieve the goal of greater density.

We therefore recommend:

- This Design Guide should be developed into a SEPP, thus giving it legal enforceability;
- Medium density of this type may be suitable for some areas in R2 zones but they should not be given the status of complying development in these low density suburbs.
- Neighbours and nearby residents should have the right to comment on these medium density proposals through a DA
- Compliance of the built form with the submitted plan should be enforced, preferably by an assessor who has no 'interest' in the outcome
- Independent Assessors should be chosen from a list held at the local Council. Developers should be allocated the assessor next on the list, ensuring that enduring relations cannot be formed between them.
- We see some difficulty in subdividing very small blocks to enable Torrens Title in hilly areas like Lane Cove. We do not object to the possibility and see the benefits for property owners. But we expect great care to be taken to ensure that the Design rules are followed when Torrens Title is the prize.

Thank you again for the chance to comment on this Draft Design Guide.



June M Hefferan, Convener
Lane Cove North Residents' Association.