

Department of Planning and Infrastructure

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On

Medium Density Housing Code

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Table of Contents

INTRODUCTION	2
ENCOURAGING FEATURES	3
DISCOURAGING FEATURES	3
COMMUNITY PARTICIPATION	4
MEDIUM DENSITY IN LOW DENSITY ZONES	4
SPECIFIC SUGGESTIONS.....	5
CONCLUSION	6

1. INTRODUCTION

Save Our Suburbs (SOS) expresses appreciation for this opportunity to comment on the draft *Medium Density Housing Code 2016*.

SOS is a non-profit and non-aligned group of residents, opposing unwanted rezoning and over-development of city suburbs and promoting sustainable living to protect the planet. The organization supports residents in their struggle to save cities from overcrowding, traffic congestion, high housing cost, pollution and loss of bushland and heritage resulting from ill-considered planning impositions. It supports whole of nation development. The organization is active in endeavouring to persuade State Governments to effect beneficial changes to planning policies.

This submission is made under some constraints. It is unclear how this policy will be imposed onto communities. The draft of the SEPP guiding medium density housing has not been released. The mechanism is opaque regarding how the codes will be incorporated into local government local environment plans and the extent to which State Government intervention will be exercised.

The evidence upon which certain statements in this submission are made has been documented in a previous submission¹. This will not be repeated here and reference where required should be made to that document.

2. ENCOURAGING FEATURES

Features that are encouraging in the draft Code are the Minister of Planning's statements regarding:

- Affordable housing
- Housing choice
- Good design and as evidenced in the draft Code
- Conformity with local character
- Increasing supply

3. DISCOURAGING FEATURES

- Continuance of policies embodied in previous legislation promoting higher population densities
- The over-riding of council controls
- No limit on the number of dwellings in an area
- No appreciation of cumulative effects
- No consideration of the ecological effects and loss of amenity of adequately sized backyards
- Emphasis on complying development appears to be developer driven rather than community driven

4. COMMUNITY PARTICIPATION

The Minister of Planning's foreword implies 725,000 new homes in 20 years in the State each year are to be placed in existing communities. This will increase densities, the downside of which has been discussed in previous SOS submissions¹. There are better options for catering for an increasing population. In general the community does not want higher densities forced upon them. **This was the major factor in the Parliamentary rejection of the Planning Bills in 2013.**

The new Code will result in neighbours in a single residential area not having the right to object to a development that will substantially transform the street in which they live. The only requirement will be that they be informed of a development.

Consultation that is of a general nature such as the facility to comment on the draft Medium Density Housing Code is not regarded as genuine consultation by the vast majority. Most people are not sufficiently familiar with planning processes and legislation and are not able to visualise how the Code will affect them. What is more, experience has shown that submissions that do not conform to preconceptions are totally ignored. The Code therefore suffers from the same consultation flaw as did the 2013 Planning Bills. This is further exacerbated this time with Parliament having no say as the Code is to be implemented completely undemocratically by decree.

The final result will be, instead of communities being allowed to determine the future development of their area, development will be forced onto them. This is in stark contrast to the contract with NSW 2011 in which the O'Farrell Government promised to "return planning powers to the local community". Further, the previous Planning Minister Mr Brad Hazzard, then in opposition, argued in Parliament in 1997 that residents should have an "ongoing say such that they can approve or not approve of a particular development on their very boundary". Planning Minister Stokes said in his Sydney Morning Herald interview on May 6 2016 that he aimed "to remove the idea that people will be surprised by the things that are happening next door to them"². The removal of the right of a neighbour to comment or object negates these promises and sentiments.

5. MEDIUM DENSITY IN LOW-DENSITY ZONES

The draft Code proposal to include Council areas with low density R2 housing zones that already allow medium density development under the Council's LEP is of great concern³. Low density residential housing is by far the dominant residential land use in Sydney and NSW. A simple amendment to a Council's LEP to allow code-complying medium density housing would allow this form of development rampant throughout virtually all of its residential areas⁴. It should be noted the result will be contrary to the current practice of medium density in R3 zones being limited by having

to be assessed by Councils for suitability and exhibited for public exhibition and comment.

The fundamental difference between the existing single and the proposed medium density housing codes is that the latter significantly changes housing density with all the associated impacts that flow from this – increased traffic congestion and on street parking, greater demand on sewerage and stormwater infrastructure, schools, sporting fields as well as decimation of urban greenery and wildlife.

Save Our Suburbs strongly objects to the proposed Medium Density Housing Code. Rather than promoting healthy change it will promote unrestrained cancerous growth eating into the very fabric and amenity of existing residential urban areas. It will result in reduction in quality of life, community wellbeing, residential amenity, good urban design and environmental and heritage protection.

6. SPECIFIC SUGGESTIONS

- In tandem with the draft Code the full draft of any SEPP concerning medium density housing should be released for discussion
- The current system of councils determining development applications should be retained
- Medium density design should comply with the Design Guide suggestions, but with local input from Councils regarding character, services and infrastructure requirements.
- Code complying medium density should be limited to areas zoned R3 Medium Density
- Population or dwelling targets should not be imposed on local government areas
- The cumulative effects of intensifying development on local character, amenity, infrastructure, biodiversity, services, traffic, street car parking, social services and amenities must be carefully studied and properly taken into account
- Alternative approaches to housing an increasing population such as suggested in previous SOS submissions¹ should be objectively investigated.

7. CONCLUSION

The mistakes made with the 2013 Planning Bills should not be repeated. The methodology of bureaucratic implementation instead of Parliamentary approval will not neuter public opposition. It is widely perceived that such dictatorial moves are associated with corruption resulting from undesirable influences including political donations. Changes to planning laws should be for the benefit of the community and not be seen to be to merely benefit narrow specific interests.

SOS expresses its appreciation for the opportunity to make a submission for this important area of government and hopes that final decisions made will result in optimal long-term benefit to the citizens of New South Wales. SOS looks forward to a system that is free of corruption and free from the imposition on the community of unwanted styles of living.

¹ http://www.sos.org.au/new_docs/Dec2017/SOSMetropolitanStrategy2012Submission.pdf

² <http://www.smh.com.au/nsw/ask-the-neighbours-first-new-da-process-for-nsw-considered-by-rob-stokes-20160505-gomxyc.html>

³ Existing legislation allows for dual occupancy development, duplexes and semis on existing lots with Council approval where it is warranted, as cited in section 1.2 of the Document 'Explanation of Intended Effects'. There is no need to amplify this by bypassing the community via a code complying approach.

⁴ The Explanation of Intended Effects provides the assurance that complying development is not intended to over-ride a Council's strategic planning, giving the impression that higher densities will not be forced into Council areas. However the documentation viewed overall provides a contrary interpretation:

- The Planning Minister Rob Stokes advises 725,000 new homes in 20 years have to be provided. With the current restrictive growth ring around Sydney there will not be sufficient space for these unless most are built in low density zones
- The Medium Density Design Guide states the primary controls for complying development are contained within the "State Policy"
- The Commissioners of the Greater Sydney Commission repeatedly say that district plans will "inform the LEPs". Taking previous Planning Department actions as a guide this appears to be a euphemism for "instruct the LEPs"