



Sutherland Shire Environment Centre

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Department of Planning and Infrastructure

(Uploaded to DoPI website)

Re: Medium Density Housing Code

Sutherland Shire Environment Centre (SSEC) is a totally independent, non-government community organisation, set up in 1991 by concerned Shire residents. The objects of SSEC are to act to defend the environment of the Sutherland Shire and associated bio-regions, by supporting members and local community organisations in their efforts to protect and improve their local areas and to develop and conduct environmental education initiatives, to encourage behavioural change to achieve a sustainable environment in the Sutherland Shire and its bio-regions.

We strongly object to the proposed changes as outlined in the Draft Medium Density Design Guide and the new Medium Density Housing Code.

It is recommended that the consultation for such changes be expanded in lodgement time and greater invitation across community and local government also be sought prior to any of the proposed detrimental changes being put forward.

We recognise the need within the community for a diverse and affordable range of housing options. However, provision of this must not be at the expense of environmental protection.

The intended proposal to expand “code complying development” to include medium density development, is not in keeping with ensuring sustainable suburban environmental, livability, economic or social values; and nor is the plan to increase density across Sydney through the proposed Medium Density Code.

Medium and high rise development must be kept to specific and limited designated areas only and not become spread through the remainder of suburbs as such in currently low density single dwelling residential areas (R2 zone). The medium density code must not be permitted to

extend medium density as complying development in low density or in other unsuitable areas.

There are many issues that need to be addressed before the Housing Code can be expanded to allow the assessment of medium density development as complying development. These issues include:

- Excluding complying development from environmentally sensitive areas
- Consideration of cumulative impacts
- More effective community engagement
- Stronger sustainability standards

1. Environmentally sensitive areas

SSEC notes the maintenance of the existing exclusions outlined the Exempt and Complying Development SEPP. However, we believe that these protections should be strengthened by reintroducing a legislated prohibition under the Act (not just the SEPP). In addition, SSEC recommends the following:

- Increasing the buffer zones that apply to certain sensitive areas (in accordance with advice from appropriately qualified, independent experts).
- If the *Coastal Management Bill 2015* is passed, the definition of ‘environmentally sensitive areas’ must be amended to include the replacement coastal SEPP.

2. Cumulative impacts

- To justify exemption from assessment and determination by local councils, “complying” development must be low impact. There is no allowance made in the new policy for assessment of cumulative impacts of multiple code-assessed dwellings across large areas. These impacts include ecology, traffic, parking, infrastructure, neighbour amenity).
- The Government must clarify how it proposes to ensure that cumulative impacts of multiple code-based approvals are identified, prevented and continually monitored (including to avoid cumulative land-clearing and biodiversity impacts).
- The 100m buffer zone for sensitive environmental areas must be increased to provide greater protection. Advice from appropriately

qualified scientists should be sought to determine an appropriate buffer.

3. **Community engagement**

- To enable the community to properly participate in decision-making about medium-density housing, consultation on what communities want needs to be an order of magnitude greater than reactive submissions to incremental Code standards.
- This should include **novel methods** and **community focus groups**. In addition to proactive community consultation, there should be a systematic review of local council consultations and public submissions received relating to medium-rise development applications, to understand concerns and inform development and design standards.
- The full draft of any SEPP guiding Medium Density Housing should be released for consultation before the SEPP comes into operation., Without seeing an actual draft, it is not possible to anticipate the actual effects of the proposal.

4. **BASIX efficiency standards**

- All “complying” development should meet the highest standards of water, energy and material efficiency. Rather than being subject to lower targets, multi-unit dwellings should be subject to minimum (not maximum) baselines under a regularly updated BASIX (that reflects technological advances).
- The prohibition on councils and other consent authorities from imposing more stringent targets, at least in relation to precinct-scale development, must be removed

MISCELLANEOUS

- Medium density housing should **not be permitted** in ANY rural or **environment zones** (including environmental living, environmental management and environmental conservation).
- The only zone suitable for consideration as permitting medium density housing under complying development is **R3**. Any medium development in R2 should be subject to Development Application.
- Torrens title subdivision of 2 dwellings on a single lot should not be permitted as complying development. Subdivision should be

governed by local councils under the relevant LEP. 200m² Torrens title subdivision should not be permitted in R2 zones in Sutherland Shire.

- Sutherland Shire Environment Centre does not support private certification of on-site stormwater detention or compliance with council's waste management provisions in the absence of appropriate governance and enforcement arrangements

SUMMARY

A paramount principle of planning is that planning for human occupation considers and equitably incorporates the joint factors which are required to make a region liveable and sustainably so.

The Draft medium density design guide and new medium Density Housing Code have not been created with this principle being successfully applied, and instead they introduce changes which detract from these foundation requirements.

The intended proposal to expand "code complying development" to include medium density development, is not in keeping with ensuring sustainable suburban environmental, livability, economic or social values; and nor is the plan to increase density across Sydney through the proposed Medium Density Code.

All approval processes for designated development types, and development of low-medium-high density must be maintained in the current procedure for lodgment of a formal Development application to which the community and residents can respond. The development application process must not become expanded within the SEPP to permit the overriding of local and Council controls.

This not only insures a better outcome locally, but helps to retain livability and the community and environmental values, and then economic outcomes required of local regions.

Jenni Gormley
Chairperson

Roger Bramble
Director