13 December 2019

The Hon. Robert Stokes MP
Minister for Planning and Public Spaces
GPO Box 5341
SYDNEY NSW 2001

Dear Minister Stokes

Low Rise Medium Density Housing Code

I am writing to request your consideration of a decision made by Woollahra Council on 11 November 2019 regarding the Low Rise Medium Density Housing Code (the Code) which will commence on 1 July 2020. The Council:

1. Requests that the State Government exempt the Woollahra Local Government Area (LGA) from the Code as it will not deliver an increased diversity of housing.

2. Does not agree with the independent review of the Code undertaken by Professor Roberta Ryan, that there is strong community support for new multi-dwelling housing in low density R2 zones, particularly within the Woollahra LGA.

Request for exemption

Council requests an exemption from the Code for the following reasons:

1. The Code is designed to deliver diverse housing to meet the needs of a growing and changing population, and the Government's commitment to promoting more 'missing middle' development, such as low-rise dual occupancies, manor houses and terraces through a strategically led planning system.

   However, the Code is not required in the Woollahra LGA for these purposes as medium density housing already accounts for more than 30% of all dwellings in the LGA, compared with a Greater Sydney average of approximately only 20%. Additionally, the proportion of medium density housing in the LGA increased by more than 1% from 2011 to 2016.

   Housing diversity is also available in the Woollahra LGA as high density housing which accounts for more than 48% of all dwellings in the LGA, compared with a Greater Sydney average of approximately only 23.5%.

   *Source: Australian Bureau of Statistics 2016, NSW Department of Planning, Industry and Environment 2019, and .id 2019 based on 2016 Census, https://profile.id.com.au/woollahra/dwellings. Refer to **Table 1** below.*

   Note: The .id 2019 definition of medium density dwelling is consistent with the Code, including townhouses, terraces, villa units and semi-detached dwellings, flats in 1 and 2 storey blocks and flats attached to houses.

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Table 1: Dwelling structure in the Woollahra LGA

Dwelling structure export reset

Woollahra Municipality - Dwellings (Enumerated)		2016			2011			Change
Dwelling type		Number	%	Greater Sydney %	Number	%	Greater Sydney %	2011 to 2016
Separate house		5,220	19.9	55.0	5,833	22.5	58.9	-613
a Medium density		8,069	30.7	20.3	7,616	29.4	19.7	+453
a High density		12,632	48.1	23.5	12,273	47.4	20.7	+359
Caravans, cabin, houseboat		0	--	0.2	7	0.0	0.2	-7
Other		201	0.8	0.5	92	0.4	0.4	+109
Not stated		121	0.5	0.4	54	0.2	0.1	+67
Total Private Dwellings		26,243	100.0	100.0	25,875	100.0	100.0	+368

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016. Compiled and presented by .id , the population experts.
Please refer to specific data notes for more information

2. Council is working to complete a Housing Strategy and Local Character Statement in 2020. These planning studies will permit Council to determine the optimal type, quantity and location of additional housing, as opposed to the generalised approach offered by the Code.

   The Housing Strategy will provide detailed and locally focussed options for potential additional housing in the Woollahra LGA and will include opportunities for further medium density housing which:
   - align potential growth with existing and proposed local infrastructure and open space improvements,
   - identify the right locations for growth, including areas that are suitable for significant change in the short to medium term, and
   - coordinate the planning and delivery of local and State infrastructure.

3. Council is concerned about the following consequences of allowing the Code to operate in the LGA:
   - The Code would undermine the precinct-based, fine grain local planning controls developed in consultation with the local community.
   - The Code and design Guide do not address the existing or desired future local character of the LGA, which were established in consultation with the local community.
   - The Code does not allow for the assessment of amenity impacts on neighbouring land.
   - The existing complying development framework has a significant number of shortfalls which will be amplified by the commencement of the Code.

Community support

Council does not agree with the independent review of the Code that there is strong community support for new multi-dwelling housing in low density R2 zones, particularly in the Woollahra LGA.

1. Section 2.4 of the independent review summarises the sources used to understand community views about the provision of medium density housing. These included a 2011 online survey of Sydney and Melbourne residents commissioned by the Grattan Institute (the Grattan Survey), a 2013 statistically representative phone survey of NSW residents by the University of Technology Sydney (the UTS survey), a 2016 online survey of residents Sydney and Melbourne by the Centre for Urban Transitions (the CUT survey), and a 2019 phone survey of Sydney residents by the Committee for Sydney (the CfS survey). The surveys asked respondents about preferred features and locations for low, medium and high density housing (the Grattan Institute, CUT, UTS and CfS surveys), and whether they wish to comment on development applications for different housing types (the UTS survey).

   Although the independent review found that "there is strong support from communities for an increase in housing diversity", the survey results do not reflect this finding. In all surveys, less than half of all respondents indicated a personal housing preference for medium density housing, being as low as 16% of respondents in the CUT survey. Additionally, the UTS survey was the only survey to gauge community expectations for input into the approval process for development. It reported that 62% of respondents expected an input into development applications for medium density housing.

2. Council consistently receives strong community opposition to development applications for medium density housing, including dual occupancy development on small lots. A recent example of this opposition was for two development applications for attached dual occupancies on adjoining properties in Vaucluse. Council received 39 individual submission and a 324 signature petition, all of which opposed the applications.
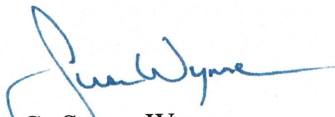
Previous submissions

Council has consistently raised concerns about the loss of merit assessment for medium density development which will be permitted by the Code. The following submissions were sent to the then Department for Planning and Environment and the then Minister for Planning:

1. On 1 March 2016, Council wrote to the then Department for Planning and Environment expressing its concerns about the implementation of a complying code for medium density housing in a detailed submission to the 2015 "Missing middle" discussion paper.

2. On 19 December 2016, Council wrote to the then Department for Planning and Environment again expressing its concerns about the Code in a detailed submission to the Explanation of Intended Effects for a proposed "Medium Density Housing" Code, and the "Draft Medium Density Design Guide".

3. On 31 May 2018, Council wrote to Minister Roberts, as the then Minister for Planning requesting a deferral from commencement of the Code until Council had an opportunity to consult with the community and review its LEP to ensure development is in line with community expectations.

4. On 23 July 2019, Council wrote to Professor Roberta Ryan requesting that the review of the Code carefully consider the adverse planning impacts that the Code is likely to impose on the existing and desired local character of the low density residential zones.

In conclusion, the Council requests that you exempt the Woollahra LGA from the Code as it will not deliver an increased diversity of housing and is not considered to have strong community support.

Yours sincerely

Cr Susan Wynne
Mayor