



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 21 MAY 2024 AT 7:00PM
LEVEL 3, COUNCIL CHAMBER**

LATE AGENDA

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NOTE: For Full Details, See Council's Website –
www.krg.nsw.gov.au under the link to business papers

File: S14427

This Mayoral Minute provides an update on local activity regarding the State Government's housing policies since the Extraordinary Meeting of 8 May.

As resolved at the Extraordinary Meeting, Council has commenced studies around the four Transport Oriented Development ('TOD') precincts of Gordon, Killara, Lindfield and Roseville to explore better resident outcomes than what was imposed on 13 May. The studies, scenario analysis and community engagement will be presented before Councillors within nine months for a decision, noting that this is already more compressed than the timeframes recommended by the Department for amending a Local Environment Plan. It is hoped that the scenarios will support the protection of key heritage conservation areas while improving urban canopy outcomes.

At the same Extraordinary Meeting, Council also resolved to commence proceedings in the NSW Land and Environment Court concerning the TOD provisions in the Housing SEPP. This is not our preferred course of action but has become necessary due to the circumstances. More information will be provided as it becomes available.

The TOD precincts commenced on 13 May and impact 23 of Ku-ring-gai's Heritage Conservation Areas.

- C12 Gordondale Estate Conservation Area
- C13 Roberts Grant Conservation Area
- C15 Gordon Park Estate McIntosh / Ansell Grant Conservation Area
- C16 St Johns Avenue Conservation Area
- C17 Gordon Park Conservation Area
- C18 Yarrabah Avenue Conservation Area
- C39 Robert Street / Khartoum Avenue Conservation Area
- C20 Greengate Estate Conservation Area
- C21 Springdale Conservation Area
- C22 Crown Blocks Conservation Area
- C23 Lynwood Avenue Conservation Area
- C24 Marian Street Conservation Area
- C25 Stanhope Road Conservation Area
- C26 Oliver Grant Conservation Area
- C27 Belnheim Road Conservation Area
- C28 Wolseley Road Conservation Area
- C29 Balfour Street / Highfield Road Conservation Area
- C30 Lindfield West Conservation Area / C30 Frances Street Conservation Area
- C31 Trafalgar Avenue Conservation Area
- C42 Middle Harbour Road Conservation Area
- C32 Clanville Conservation Area
- C35 The Grove Conservation Area
- C36 Lord Street / Bancroft Avenue Conservation Area

As for resident responses within the TOD precincts, Councillors have heard reports which typically fall within four categories.

- 1) Some residents are receiving unsolicited and unwelcomed correspondence from developers seeking to acquire their property.

- 2) Other residents have come together to seek sale of a consolidated site.
- 3) We have residents living in heritage listed items who are concerned of being surrounded by 22m high developments and the implications this has for light, amenity, and privacy. An answer to their concerns will be provided as part of Question with Notice #3 later tonight.
- 4) We have residents on the fringe of the 400m circle asking why their properties were excluded from the TOD when their neighbours in the same street block have been included. To this I would say that the state government's site selection is based on a fixed circle rather than a detailed attempt at planning the best outcome for each suburb.

As of 13 May, landowners have been able to lodge Development Applications within the TOD precincts, though none have been received to date.

Yesterday the Ku-ring-gai Planning Panel considered a planning proposal for 345 Pacific Highway to be redeveloped at heights of 12-15 storeys and FSR ranging 3.5:1 to 4.5:1. We do not yet know the outcome of this matter as the independent panel has deferred the matter to Wednesday 22 May, but I do note that any uplift at this key site could give Council the opportunity to sympathetically decrease uplift in a heritage conservation area. The matter will likely come before us at the June Ordinary Meeting of Council.

Yesterday, I was also invited to attend the parliamentary inquiry on the Development of the Transport Oriented Development Program. The transcripts will become available on Hansard, and the committee report will be produced by 27 September 2024.

The State Government intends to implement low- and mid-rise housing reforms to support the National Housing Accord which commences 1 July 2024. The government has asked Ku-ring-gai whether it accepts the proposed centres under the proposed controls, and this will be considered by Council as part of GB11 tonight.

Recommendation:

That Council notes and receives this Mayoral Minute.

GB.11 Low and mid-rise housing policy - Feedback to NSW Department of Planning, Housing & Infrastructure

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To have Council consider feedback on the Low & Mid-rise Housing policy application to Ku-ring-gai LGA.

Recommendation:

That Council endorse the exclusions from the Low and Mid-rise Housing Policy as discussed in the report and specified in the attachments.

MAYORAL MINUTE

HOUSING POLICY UPDATES (MAY 2024)

This Mayoral Minute provides an update on local activity regarding the State Government's housing policies since the Extraordinary Meeting of 8 May.

As resolved at the Extraordinary Meeting, Council has commenced studies around the four Transport Oriented Development ('TOD') precincts of Gordon, Killara, Lindfield and Roseville to explore better resident outcomes than what was imposed on 13 May. The studies, scenario analysis and community engagement will be presented before Councillors within nine months for a decision, noting that this is already more compressed than the timeframes recommended by the Department for amending a Local Environment Plan. It is hoped that the scenarios will support the protection of key heritage conservation areas while improving urban canopy outcomes.

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- C36 Lord Street / Bancroft Avenue Conservation Area

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The State Government intends to implement low- and mid-rise housing reforms to support the National Housing Accord which commences 1 July 2024. The government has asked Ku-ring-gai whether it accepts the proposed centres under the proposed controls, and this will be considered by Council as part of GB11 tonight.

RECOMMENDATION:

That Council notes and receives this Mayoral Minute.

Councillor Sam Ngai
Mayor

LOW AND MID-RISE HOUSING POLICY - FEEDBACK TO NSW DEPARTMENT OF PLANNING, HOUSING & INFRASTRUCTURE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To have Council consider feedback on the Low & Mid-rise Housing policy application to Ku-ring-gai LGA.
BACKGROUND:	The NSW Dept of Planning, Housing & Infrastructure are seeking feedback on the upcoming Low and Mid-rise Housing Policy reforms prior to their finalisation and implementation later in 2024.
COMMENTS:	This report provides the context and supporting documentation and Council's feedback on the proposed Low and Mid-rise Housing Policy in particular its application to the stations and town centres precincts in Ku-ring-gai.
RECOMMENDATION: (Refer to the full Recommendation at the end of this report)	That Council endorse the exclusions from the Low and Mid-rise Housing Policy as discussed in the report and specified in the attachments.

PURPOSE OF REPORT

To have Council consider feedback on the Low & Mid-rise Housing policy application to Ku-ring-gai LGA.

BACKGROUND

The State Government's *Explanation of Intended Effect (EIE): Changes to create low- and mid-rise housing* was on public exhibition from 15 December 2023 to 23 February 2024. Council made a submission on EIE for Low and Mid-rise housing on 21 February 2024.

The Department of Planning, Housing and Industry (DPHI) have now reviewed all submissions and are preparing a 'What We Heard' report to capture all feedback and insights received through the public exhibition process. They have stated that this report will be released 'shortly'.

DPHI are now seeking to hold one-on-one workshops with council staff to gain feedback on the low- and mid-rise housing policy in May 2024. Ku-ring-gai Council's workshop was scheduled for 14 May. This has now been rescheduled to 22 May 2024 to allow Council to consider this report and make a formal Council resolution in providing the required feedback.

In preparation for these workshops, DPHI have provided the following information:

- Workshop agenda (**Attachment A1**)
- Policy Refinement Paper (**Attachment A2**)
- Feedback form – Station and town centre precinct selections (**Attachment A3**)
- Feedback form – Bushfire, Flood, and other hazards (**Attachment A4**)

COMMENTS

Workshop Agenda

The agenda for the workshop seeks to focus on the following two issues:

- Any proposed exclusions of stations and centres where DPHI feels further justification is needed.
- The possible exclusion of the policy on land affected by high-risk natural hazards or other constraints, and evacuation issues.

DPHI Policy Refinement Paper

The DPHI Policy Refinement Paper outlines the key issues identified in the submissions to the EIE, along with proposed refinements to address them. Each issue is addressed through one or more policy refinements, some of which DPHI wish to collaborate one-on-one with councils to develop an appropriate policy position.

The proposed refinements relate to the following:

1. *Collaborate with Councils to remove unsuitable stations and town centres*

This is discussed below under the heading '*Station and town centre precinct selections.*

2. *Do not apply standards in employment zones (E1, E2, MU1 zones)*

This proposed refinement is for the policy to no longer apply within employment zones. In the case of Ku-ring-gai, this is E1 Local centre and MU1 Mixed-use zones. Under the EIE, the policy would have allowed shop-top housing up to six storeys in height in all the local centres surrounding a railway station. Under the refinement, this will no longer be the case and these centres will retain their existing development standards.

However, the policy will continue to apply to all residential zones within an 800m walking catchment surrounding the centres.

3. *Collaborate with Councils to address concerns in R1 zones*

This refinement does not affect Ku-ring-gai as there is no R1 zoned land with 800m of stations.

4. *Note that the main heritage concerns are addressed by refinements 2 and 3*

The proposed refinements 2 and 3 do not address the heritage concerns in Ku-ring-gai. Refinements 2 and 3 only relate to E1, MU1 and R1 zones. Most heritage items and heritage conservation areas in Ku-ring-gai potentially impacted by the low and mid-rise controls are within the R2 low density zones. This includes permitting 2 storey town houses and manor houses (apartments) in R2 zones within 800m of centres and stations. While the proposed building heights are similar to those currently permitted in the current R2 zones, the proposed building densities (FSR) and limited landscaping and deep soil provisions will greatly compromise the heritage significance of surrounding heritage items and HCAs. The same will be the case in permitting dual occupancies in the R2 zone across Ku-ring-gai. The proposal will result in widespread, irreversible and unavoidable impact to heritage conservation areas and heritage items.

5. *Exclude land affected by high-risk flooding*

This is discussed below under the heading '*Bushfire, Flood, and other hazards- background and recommendations.*'

6. *Exclude land affected by high-risk bushfire*

This is discussed below under the heading '*Bushfire, Flood, and other hazards- background and recommendations.*

7. *Exclude land affected by other high-risk hazards*

This is discussed below under the heading '*Bushfire, Flood, and other hazards- background and recommendations.*'

8. *Recalibrate the FSR and height for mid-rise standards*

As identified in Council’s submission and many others, there was a complete mismatch between the proposed FSR and building height provisions contained in the EIE. It has been acknowledged that development to the proposed standards would result in bulky buildings, built to site boundaries with minimal landscaping. As a result, Refinement 8 proposes the following changes to the FSR and height standards for mid-rise buildings.

Mid-rise Apartment buildings	EIE Standards	Proposed refinements
Residential Flat buildings in R4 and R3 zones within 0-400m of stations and centres.	Height: 21m FSR: 3.0:1 Min Lot size: Nil Min Frontage: Nil	Height: – 22m for residential flat buildings – 24m for shop top housing – Maximum 6 storeys FSR:2.2:1 Min Lot size: Nil Min Frontage: Nil
Residential Flat buildings in R4 and R3 zones within 400 – 800m of stations and centres.	Height: 16m FSR: 2.0:1 Min Lot size: Nil Min Frontage: Nil	Height: – 17.5 for residential flat buildings – Maximum 4 storeys FSR:1.5:1 Min Lot size: Nil Min Frontage: Nil

It has also been confirmed that these controls will apply within the R3 and R4 zone within 800m of stations and town centre precincts. The exhibited EIE had suggested that mid-rise controls would only apply within R3 zones.

While it is acknowledged that the suggested changes to height and FSR standards will result in a better built form than that contained in the EIE, this still represents a greater density of development, with significantly less landscaping and deep soil than currently permitted within the R3 and R4 zones in Ku-ring-gai.

Significantly, there is no discussion of, or proposed refinements to the proposed controls for low-rise housing. It is assumed that these will remain the same contained in the EIE. This will result in:

- 2-3 storey manor houses and multi-dwelling terraces/townhouses on all R2 (Low Density Residential) land within 800m of Roseville, Lindfield, Killara, Gordon, Pymble, Turramurra, Warrawee, Wahroonga railway stations, and 800m within the St Ives centre; and
- 2-3 storey dual occupancies on all R2 (Low Density Residential) land across Ku-ring-gai.

As made very clear in Council's submission on the EIE, the proposed FSR, minimum lot size and width and the deep soil targets for the low-rise typologies are in direct conflict with the existing controls in Ku-ring-gai. They will result in developments that are incredibly dense with limited deep soil landscaping and on small lots which impact on the ability to retain significant trees and vegetation, provide dwelling and neighbour amenity and design appropriate basement parking. The standards are incapable of allowing tall canopy trees of the type prevalent in Ku-ring-gai, to be retained due to built form intruding into the root system, nor will they enable such large trees to be planted and to grow successfully.

9. *Do not make changes to the Apartment Design Guide.*

The EIE proposed several changes to the Apartment Design Guide (ADG) to accommodate the proposed standards for mid-rise apartment buildings. This included decreases in building separation, setbacks, landscaping and communal open space as well as changes to access requirements for waste service vehicles. Council's submission on the EIE opposed any changes to the ADG and the watering down of design standards.

DPHI have now acknowledged that the proposed FSR in the EIE was too high to achieve good design and the reduction in the FSR to 2.21:1 may alleviate many of the issues. It has therefore recommended that no changes be made to the ADG.

Station and Town Centre precinct selections

The DPHI are seeking advice to determine which station and town centre precincts are suitable to be included. They have undertaken preliminary screening to eliminate the most unsuitable stations and centres, focusing on location and service levels without considering other factors (see **Attachment A2** Low and Mid-Rise Housing Policy Refinement Paper; **Attachment A3** Station & Town centre selection form). As a result of this screening process, the Department has identified the following town centre precincts and stations in Ku-ring-gai for inclusion in the policy.

Town Centre Precincts

- Gordon Shopping Mall
- Lindfield Shops (Lindfield Ave)
- St Ives Shopping Village
- Turramurra Shops

Station Precincts

- Roseville Station
- Lindfield Station
- Killara Station
- Gordon Station
- Pymble Station
- Turramurra Station
- Warrawee Station
- Wahroonga Station

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The Ku-ring-gai Local Strategic Planning Statement (LSPS) only identifies the primary local centres of Gordon, Turrumurra, Lindfield and St Ives as being suitable for additional housing as these are the only centres that contain the appropriate level of goods, services and amenities. However, the inclusion of St Ives in the LSPS was subject to provision of priority bus infrastructure from Mona Vale to Macquarie Park.

It is noted that the Department's list of town centre precincts refers to specific shopping centres or groups of shops. The exhibited EIE referred to town centre precincts as all land in a centre within a particular employment zone. Clarification has been sought from the Department on this issue as well as how and from what point will the 400m and 800m walking distances will be measured. The Department provided the following advice:

- *The proposed intention is to map the extent of the E1 zone applying to the centre. The 400m and 800m walking distance is to be measured from the mapped boundary of the E1 zone.*
- *We are not proposing to map the extent of the 400m and 800m walking catchment around each centre, instead we will define this in the SEPP similar to the existing affordable housing provisions.*

Criteria for further exclusions of station and town centres

The Department will assess the evidence provided by councils for proposed further exclusions of stations and town centres from the initial lists. The factors that the Department will consider for further station and town centre exclusions will include, but are not limited to, the following:

- *Essential infrastructure: These concerns should be critical and urgent, rather than general issues that can be addressed over time. Essential infrastructure includes water, sewage, stormwater, and electricity.*
- *Road infrastructure: These issues should be critical and urgent, rather than general issues that can be addressed over time. General traffic management is not considered a critical issue.*
- *Quality of train service: DPHI have already screened for frequencies, distance to major hubs, and co-location with town centres, so the remaining issues may relate to capacity and reliability.*
- *Quality of bus services in town centres: DPHI have only done a basic bus service screening for town centres, the remaining issues may relate to capacity, reliability, and frequency.*
- *Level of service of town centres: DPHI have screened for major supermarkets to predict the Level of service of a centre, however there may be some centres with major supermarkets that do not also have a range of other frequently needed goods and services.*
- *Land constraints and environmental risks within the precincts will be dealt with separately via direct land exclusions in Recommendations 5-7.*

Recommendations for station and Town Centre exclusions

Essential infrastructure and Road Infrastructure

The critical and urgent provision of essential infrastructure and road infrastructure are exclusion criteria Council raised and provided evidence of in its February 2024 submission on the EIE. The submission noted that there were the significant issues of sewerage overflows in the Ku-ring-gai LGA, the growing stormwater flooding, the congested Pacific Highway and major roads, the over-

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subscribed schools forcing smaller catchment areas, the long hospital waiting lists, the costs of providing open space had not been addressed or considered. Further, there is zero commitment to support the new communities with the required infrastructure, including no commitment of funding to ensure delivery.

These infrastructure issues remain and on the basis of Council's submission, the low and mid-rise housing policy should not be implemented in any areas until such critical infrastructure issues are addressed.

Level of services in centres

An exclusion criterion relates to the range of goods and services (other than supermarkets) available to support an increase in housing densities and population. It is noted that the Warrawee station precinct has no goods and services or employment zone land within an 800m walking distance and therefore little capacity to adequately service an increase in housing and population. Likewise, the Killara station precinct has very few services and limited capacity to expand the provision of services. As noted earlier in this report, the Ku-ring-gai LSPS only identifies the primary local centres of Gordon, Turramurra, Lindfield and St Ives as being suitable for additional housing as these are the only centres that contain the appropriate level of goods, services and amenities.

Based on this criterion, the Wahroonga, Warrawee, Pymble, Killara and Roseville station precincts should be excluded from the application of the low and mid-rise housing policy.

Bushfire, Flood, and other hazards- background and recommendations*1. Bushfire*

Exclude land designated as Bushfire prone land Category 1 on Rural Fire Service mapping. Any additional bushfire prone land nominated for exclusion should be confined to issues that cannot be managed at the DA stage, and should be well-evidenced (e.g., studies, mapping).

- All Bushfire Prone Land Mapped areas should be excluded, not just Category 1 Land. It is imperative that any increases in density within mapped areas (including the buffer) is strategically assessed for evacuation and RISK, not just hazard. This is because the BFPL mapping identifies HAZARD (presence of a certain type of vegetation and size of patch), however, this does not specifically identify bushfire RISK which needs to consider other factors such as slope, prevailing wind, microclimate, evacuation opportunity etc. The density of development in an area impacts on the relative RISK and as such cannot be appropriately determined at DA stage, particularly where appropriate areas for increased density have not been specifically assessed.

2. Flood

Exclude land below the Probable Maximum Flood (PMF) level in the catchments of Hawkesbury-Nepean Valley and Georges River. Council should assist in determining the appropriate exclusion areas to be mapped by the Department. Any additional flood prone land nominated for exclusion should be confined to issues that cannot be managed at the DA stage and should be well-evidence.

- Properties identified with Overland Flow or mainstream flow should be excluded in all areas.
- Properties that do not have a direct, gravity-fed connection to the stormwater system should be excluded. Nuisance flooding caused by inefficient stormwater disposal via charged systems (prone to failure where maintenance is not maintained) and infiltration/dispersal systems can cause significant damage and increased density of development in the area will exasperate existing issues.
- Council should also be able to exclude properties in areas that are known to have undersized stormwater systems (anywhere unable to covey above the 10yr ARI event), until such time that infrastructure can be upgraded as required.
- In areas where flood studies have not yet been completed, councils should be able to exclude properties with drainage easements, stormwater infrastructure, creeks and other drainage lines until such time that a study can be completed, and flood risk can be understood.

3. *Evacuation*

Exclude land based on evacuation capacity constraints or other evacuation issues, arising from hazards risk (e.g. bushfire, flooding or other hazard).

Any land nominated for exclusion based on evacuation risks should be those which are unable to be managed at the DA stage. These must be appropriately evidenced (e.g., through previous evacuation studies).

- All Identified Bushfire Evacuation Exclusion Areas should also be excluded. This is land shown cross-hatched on the Bush Fire Evacuation Risk Map and listed as Environmentally sensitive land under Schedule 3 of *SEPP (Housing) 2021*. These are areas that have been identified as having sufficient risk to not be suitable for seniors living and should not be subject to increased development without strategic assessment and planning.
- Due to the steep topography and relatively short timeframe for flooding in Ku-ring-gai, evacuation risk for flooding is not a significant issue, however staff would support the exclusion of areas identified as Low Flood Islands. That is areas identified in Flood Studies as Low Flood Islands or FIS (where all the land in the isolated area will be fully submerged in a PMF after becoming isolated) Emergency Response Category,

4. *Other Hazards or constraints*

The Department has investigated other hazards including coastal management, contaminated lands, acid sulfate soils, land slip, pipelines and dangerous industries.

The Department considers that these risks can generally be managed at DA stage however there may be circumstances that councils advise are high risk and cannot be adequately managed in the DA. Council's should identify these lands and they can be considered for exclusion.

The Department’s review of potential exclusion areas appears to be specially focused on natural hazards and constraints. There has been no consideration given to any other environmental planning constraints, including those that are already mapped at the state level such as the NSW Biodiversity Values Map and the Terrestrial Biodiversity Map and Riparian Lands and Watercourses Map in the Ku-ring-gai LEP 2015. Council’s submission on the EIE raised a number of concerns over potential impacts of the low and mid-rise housing policy on biodiversity and other environmental issues. None of these issues have been responded to or addressed in the *Low-and Mid-Rise Refinements Paper*.

Areas identified on the *NSW Biodiversity Values Map* should be excluded from the low and mid-rise housing SEPP. Although the Biodiversity Offsets Scheme may be likely to be triggered for development in these areas, the piecemeal implementation leaves significant risk that the cumulative impacts of development activities cannot be effectively considered (death by a thousand cuts).

Consideration of the impacts of increased intensity of development in these areas is much better considered through a thorough strategic planning process, that would enable due consideration of cumulative impacts across an area. Thorough strategic planning also provides the opportunity to implement specific controls to aid in the protection and enhancement of the state’s most important biodiversity assets.

INTEGRATED PLANNING AND REPORTING

Theme 1 – Community, People and Culture

Theme 3 – Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
C6.1 Housing diversity, adaptability and affordability is increased to support the needs of a changing community	C6.1.1 Councils planning approach to the provision of housing across Ku-ring-gai is responsive and addresses the supply, choice and affordability needs of the community and the changing population	C6.1.1.1 Implement the Ku-ring-gai Housing Strategy to 2036 C6.1.1.3 Identify opportunities to provide a range of housing choices and part of the implementation of the Ku-ring-gai Housing Strategy to 2036
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	P2.1.1 Land use strategies, plans and processes are in place to effectively manage the impact of new development	P2.1.1.1 Prepare plans and strategies as required by the Local Strategic Planning Statement (LSPS)

GOVERNANCE MATTERS

The NSW DPPI are now seeking to hold one-on-one workshops with Council staff to gain feedback on the low and mid-rise housing policy in May 2024. Ku-ring-gai Council’s workshop was scheduled for 14 May 2024. This has now been rescheduled to 22 May 2024 to allow Council to consider this report and make a formal Council resolution in providing the required feedback.

RISK MANAGEMENT

Council staff sought a deferral of the workshop with the DPFI specifically to allow formal Council consideration of the workshop materials and agenda. Deferral of the workshop was specifically facilitated on this understanding.

The NSW DPFI are now seeking to hold one-on-one workshops with council staff to gain feedback on the low and mid-rise housing policy in May 2024. Ku-ring-gai Council's workshop was scheduled for 14 May. This has now been rescheduled to 22 May 2024 to allow Council to consider this report and make a formal Council resolution in providing the required feedback.

FINANCIAL CONSIDERATIONS

The cost of preparing the Council submission on the Low & Medium-rise SEPP was covered by the Urban Planning – Strategy & Environment Department Budget.

SOCIAL CONSIDERATIONS

This report is linked to the Social considerations that were addressed in Council's comprehensive submission on the Low & Medium-rise SEPP presented to Council on 20 February 2024.

ENVIRONMENTAL CONSIDERATIONS

This report is linked to the environmental considerations that were addressed in Council's comprehensive submission on the Low & Medium-rise SEPP presented to Council on 20 February 2024.

COMMUNITY CONSULTATION

Community consultation not required for this report to Council.

INTERNAL CONSULTATION

Where relevant, internal consultation has occurred within the Strategy & Environment Department and other Departments for the preparation of this report.

Council's GMD and Councillors have been kept informed of emerging issues in relation to housing policy changes since they were announced in late 2023.

Councillors were briefed by staff on the matters covered in this report on 14 May 2024.

SUMMARY

The NSW Dept of Planning, Housing & Infrastructure are seeking feedback on the upcoming Low and Mid-rise housing policy reforms prior to their finalisation and implementation later in 2024. This report provides the context and supporting documentation and Council's feedback on the proposed Low and Mid-rise Housing Policy in particular its application to the stations and town centres precincts in Ku-ring-gai.

The Department have requested specific feedback on the following:

- Any proposed exclusions of stations and centres where further justification is needed.

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- The possible exclusion of the policy on land affected by high risk natural hazards or other constraints, and evacuation issues.

The areas where Council should seek exclusion from the Low and Mid-rise Housing Policy are discussed above and specified in **Attachment A3 - Feedback form – Station and town centre precinct selections** and **Attachment A4 - Feedback form – Bushfire, Flood, and other hazards**.

RECOMMENDATION:

- That Council endorse the exclusions from the Low and Mid-rise Housing Policy as discussed in the report and specified in **Attachment A3 - Feedback form – Station and town centre precinct selections** and **Attachment A4 - Feedback form – Bushfire, Flood, and other hazards** and submit the documents to the NSW Department of Planning, Housing & Infrastructure for their consideration.
- That a copy of this report is provided to the Department of Planning, Housing and Infrastructure as part of Council’s response to the Low and mid-rise housing - Policy Refinement Paper.

Andrew Watson
 Director Strategy & Environment

Attachments:	A1 	Low and Mid-rise Housing - Policy Refinement Workshop Agenda 14/05/2024	2024/167569
			
	A2 	Low and mid-rise housing - Policy Refinement Paper - 29 April 2024	2024/167563
			
	A3 	Feedback form - Stations and centres selection	2024/167555
			
	A4 	Feedback form - Bushfire, Flood and other hazards	2024/167549
			

Department of Planning, Housing and Infrastructure
Meeting Agenda



Low and Mid Rise Housing: Policy Refinement Workshop

Agenda items

Item No.	Description	Responsible	Duration
1	Acknowledgement of Country / Introduction	DPHI	10 mins
2	Policy refinement workshopping <ul style="list-style-type: none">Discuss any proposed exclusions of stations and centres where DPHI feels further justification is neededDiscuss the possible exclusion of the policy on land affected by high-risk natural hazards (or other hazards/constraints), and evacuation issues.	DPHI – Council	40 mins
3	Any other matters	Council	10 mins

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Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au



Low-and Mid-Rise Housing Policy Refinement Paper

Version 1.0 Prepared by DPHI LMR Policy team

29 April 2024



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Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Low- and Mid-Rise Housing Policy Refinement Paper

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Introduction

1.1 Purpose of this paper

This paper outlines the key policy issues, makes recommendations for policy refinements, and presents an approach to engage with councils.

1.2 Principles guiding the policy refinement

The purpose of refining the policy is to ensure it effectively achieves its objectives, particularly in relation to consideration of local contexts. This principle will guide all changes to the policy. The objectives of the policy are below.

The objectives are to:

- Encourage well-located, well-designed, low and mid-rise housing
- Increase housing supply
- Contribute to the National Housing Accord housing supply commitments.

1.3 Policy refinements will not reduce estimated dwellings

The Department has estimated that the policy will result in an additional 112,000 new dwellings by mid-2029 (the Accord Period). This estimate is conservative and factors-in that key policy refinements will be made to remove inappropriate outcomes such as upzoning in high-risk flood areas, mid-rise development in inappropriate contexts, and areas with poor infrastructure.

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Policy refinement

This section outlines the key issues with the policy which were raised in submissions and provides recommendations to address them. Each key issue is addressed by one or more policy recommendations, some of which include direct one-on-one engagement with councils to finalise a policy position. The refinement process has been guided by an analysis of the submissions and continuing policy development work.

2.1 Summary of policy refinements

Refinement 1. Collaborate with councils to remove unsuitable stations and town centres

Refinement 2. Do not apply the standards in employment zones (E1, E2, MU1 zones)

Refinement 3. Collaborate with councils to address concerns in the R1 zone

Refinement 4. Note that the main heritage concerns are addressed by Refinement 2 and 3

Refinement 5. Exclude land affected by high-risk flooding

Refinement 6. Exclude land affected by high-risk bushfire

Refinement 7. Exclude land affected by other high-risk hazards

Refinement 8. Recalibrate the FSR and height for the mid-rise standards

Refinement 9. Do not make changes to the Apartment Design Guide

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2.2 Issue 1 – Unsuitable station and town centre precincts

Refinement 1. Collaborate with councils to remove unsuitable station and town centre precincts

Prior to the council workshops, the Department will provide each council with an initial list of potentially suitable stations and town centres in their area and request feedback on any further exclusions (or inclusions). The Department will then assess proposed exclusions against the 'criteria for further exclusions' outlined in Section 2.2.3.

Any proposed exclusion that the Department does not support following feedback from councils will be discussed at the workshop. The workshop agenda will primarily address these contentious stations and town centres, ultimately resulting in the development of a final list by the Department.

2.2.1 Background to the EIE proposal

The Explanation of Intended Effect (EIE) proposed to increase housing density within 'Station and Town Centre Precincts' to achieve the objective of the policy for 'well-located' housing. These precincts are where the proposals for multi-dwelling housing and residential flat buildings would apply. The proposals for dual occupancies, however, are not associated with these precincts.

The precincts are areas within an 800-metres walking distance from all train stations (heavy/metro/light) and key town centres across the Greater Sydney, Hunter, Central Coast, and Illawarra regions. These precincts cover a significant portion of the Sydney metro area and surrounding regions.

As anticipated through the exhibition of the EIE, many stations and town centres may not be suitable for the proposed density levels.

2.2.2 What DPHI heard about this issue in the submissions

Many submissions expressed support for the overarching aim of promoting increased housing in well-located areas.

However, concerns were raised regarding the suitability of some stations across greater Sydney and surrounding regions for the proposed levels of density outlined in the Explanation of Intended Effect. These concerns stemmed from factors such as limited service frequency, distance from major hubs, and insufficient nearby amenities.

Additionally, many stakeholders voiced support for the idea of encouraging more housing within walking distance of high quality town centres. They believed that situating new housing near

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supermarkets, shops, and services could reduce reliance on cars and contribute to the development of more liveable communities.

A key issue revolved around identifying which town centres are suitable for increased housing. Many lower-order town centres (zoned E1 Local centre and MU1 Mixed use) were considered unsuitable for various reasons, including a lack of shops, insufficient services, and inadequate public transport. Submitters argued that in such areas, town centres would fail to adequately meet the daily needs of new residents and provide convenient access to employment opportunities.

2.2.3 Criteria for further exclusions of station and town centres

The Department will assess the evidence provided by councils for proposed further exclusions of stations and town centres from the initial lists. These initial lists are intended to be preliminary screenings designed to eliminate the most unsuitable stations and centres, focusing on location and service levels without considering other factors.

The factors that the Department will consider for further station and town centre exclusions will include, but are not limited to, the following:

- **Essential infrastructure:** These concerns should be critical and urgent, rather than general issues that can be addressed over time. Essential infrastructure includes water, sewage, stormwater, and electricity.
- **Road infrastructure:** These issues should be critical and urgent, rather than general issues that can be addressed over time. General traffic management is not considered a critical issue.
- **Quality of train service:** DPHI have already screened for frequencies, distance to major hubs, and co-location with town centres, so the remaining issues may relate to capacity and reliability.
- **Quality of bus services in town centres:** DPHI have only done a basic bus service screening for town centres, the remaining issues may relate to capacity, reliability, and frequency.
- **Level of service of town centres:** DPHI have screened for major supermarkets to predict the level of service of a centre, however there may be some centres with major supermarkets that do not also have a range of other frequently needed goods and services.
- **Land constraints and environmental risks within the precincts will be dealt with separately via direct land exclusions in Recommendations 5-7.**

2.2.4 Initial list of stations

The Department conducted a review of all 350 stations in the Greater Sydney, Hunter, Central Coast, and Illawarra regions. From this review, an initial list was developed based on criteria aimed at excluding the least suitable stations – those with inadequate service levels and significant distance from major centres.

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These criteria were developed through an analysis of submissions, consultation with Transport for New South Wales (TfNSW), and DPHI's research. The inclusion criteria are:

1. **Service Frequency:** Sydney metro area less than 15-minute; outside the metro less than 30 minutes.
2. **Proximity to Major Centres:** train travel time of less than 30 minutes to major centres (Sydney CBD, North Sydney, Parramatta, Penrith, Liverpool, Campbelltown, Chatswood, Gosford, Wollongong, and Newcastle).
3. **Co-location with Town Centres:** Stations outside the metro area must be situated within 400 metres of a town centre to remove isolated regional stations.

Excluded stations are mainly located far from major centres, such as Cessnock and Shoalhaven, where train services are infrequent, and travel times to major centres are lengthy. These exclusions align with stations identified as unsuitable in the submissions.

2.2.5 Initial list of town centres

Consistent with the EIE, all town centres zoned E2 'commercial centre' are proposed for inclusion as triggers for the 'station and town centre precincts'. The E2 zones are designed to be significant town centres that include a diverse range of goods, services, and public transport. There is a total of 66 E2 town centres across the Greater Sydney, Hunter, Central Coast, and Illawarra regions. Examples include Maroubra Junction and Dee Why.

In line with the EIE, DPHI will engage with councils to determine which town centres zoned E1 Local Centre and MU1 Mixed Use should also be included as triggers for the 'station and town centre precincts'. The Department is looking for centres that offer a wide range of frequently needed goods and services, including a full-line supermarket, shops, and restaurants.

More than 800 'reasonably sized' E1/MU1 zones across the specified regions have been reviewed and an initial list of E1/MU1 town centres has been developed, guided by criteria aimed at excluding the least suitable centres. The inclusion criteria was:

1. **Full-Line Supermarket:** Supermarkets with a retail floor area exceeding 2,000 square meters offering a wide and deep range of groceries. Our research indicates that full-line supermarkets are the best single predictor of a well-serviced town centre, indicating the presence of various other goods and services such as medical facilities, fitness centres, retail outlets, eateries, parks, and community amenities.
2. **Regular Bus Service:** A bus service operating at a frequency of at least one bus per hour, aligning with the bus service requirements for Affordable Housing provisions in the State Environmental Planning Policy. This standard serves as an initial benchmark, with councils expected to provide further information on higher service standards.

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2.3 Issue 2 – Application of standards in employment zones and heritage areas

2.3.1 Background to the EIE proposal

The EIE proposed to apply the non-refusal standards within ‘any zone’ the development is permitted. The intent of the ‘any zone’ approach was to also capture zones that are ‘higher-order’ than the target R2 low density and R3 medium density residential zones.

The mid-rise standards were designed for the R3 medium density residential zone, and the intention was to also apply the standards in higher-order zones – because if the standards are appropriate in R3, it then follows that they are also appropriate in zones designated for higher density residential (ie. R4 zones). To achieve this intent, the EIE stated that the mid-rise standards would apply in ‘any zone (except R2) that residential flat buildings are permitted’.

The issue with this approach is that zones that are not ‘equal or higher order’ than the R3 zone, such as the employment zones, and the general residential zone, will get mid-rise standards (RFBs are permitted in these zones). This has created the unintended outcome of the mid-rise standards applying in out of context zones. These zones are the only circumstances in the policy where a single storey low density area would be upzoned to a 6-storey residential area.

2.3.2 What DPHI heard about this issue in the submissions

The most significant concern with the application of the standards were in places where the proposals would lead to a 1 or 2 storey neighbourhood being upzoned to allow 21m high apartments. There was concern this would create jarring development outcomes and issues such as overshadowing, overlooking, and congestion. The main circumstances that this outcome would occur would be in the R1 General residential zone and the employment zones (E1, E2 and MU1). They were concerned that these zones were not intended for 6-storey apartments, and they have highly varied characters, densities, and objectives. The inner-city councils also pointed out that many of these zones are already densely populated in a low-rise form and are not suitable for mid-rise due to narrow lots and narrow street widths.

Most councils were also concerned that the standards applying in the employment zones would undermine the employment status of these zones and also undermine master planning in these areas. They noted that many of their centres already had suitable controls for 3 to 6 storey development and are already delivering housing. They were concerned that the proposals would undermine these place-based controls and produce poor outcomes within the town centres.

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2.3.3 Issues with the standards applying in employment zones and master planned areas

Refinement 2 – Do not apply the standards in employment zones (E1, E2, MU1, SP5 zones)

The standards will not apply within the employment/town centre zones themselves (E1, E2, MU1 and SP5 zones).

It is important to note that the standards will apply in the residential zones surrounding the town centres (within the 800m walking catchments) if that town centre is selected for inclusion.

The key reasons for this refinement are:

- there is little benefit in applying the standards in the employment/town centre zones, as they generally have comparable or higher FSRs/heights (ave. 2.16:1 and 20m)
- these zones only account for a small portion of the land where the standards apply (approx. 5.5%).
- it generally addresses concerns about standardised provisions undermining master planned areas, as these zones represent the main locations for master planning.
- it will avoid the unintended consequence of disrupting areas already delivering housing.
- it will avoid the unintended consequence of detracting from the employment and service function of these zones.
- this refinement alleviates some of the main heritage concerns, as a significant portion of these zones, approximately 35%, are heritage, and these zones are where existing low-rise heritage contexts can intersect with the 6 storey mid-rise provisions.

The primary zones within town centres and most Council master planning areas are zoned:

- E1 – Local Centre
- E2 – Commercial Centre
- MU1 – Mixed Use
- SP5 – Metropolitan Centre (exclusive to the Sydney CBD)

Most town centres have undergone master planning, incorporating a range of height and floor space ratio (FSR) controls tailored to achieve specific outcomes that capitalise on contextual opportunities and address constraints. Master planning achieves place-based outcomes such as sunlight provision to parks and public spaces, increased building heights at corners, and the dedication of land for open space land. Figure 1 illustrates an example of a master planned area featuring diverse heights and FSRs.

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Across Greater Sydney, the Hunter, Central Coast, and Illawarra regions, the average height and FSR controls within these zones is 20.4 meters and 2.16:1, facilitating a built form of 5-6 storeys. This already aligns with the policy intent of 4-6 storeys. Moreover, these zones only represent approximately 5.5% of the lots where the policy standards were proposed to apply, totalling around 38,000 lots out of 694,000 lots within the station/town centre precincts.

Implementing a standardised height and FSR control in these areas would yield minimal benefits for housing supply while posing risks to place-based outcomes and the employment/service focus of these zones.

By refraining from applying the standards in these zones, any ongoing Council master planning or planning proposals utilising these zones will remain unaffected by the policy. It is noted that master planning or planning proposals within the R2, R3, and R4 zones will be subject to the policy as proposed in the EIE. This differentiation is justified, as LMR proposals were specifically designed for these residential zones, representing a manageable increase in residential density consistent with the density objectives of the respective zones (ie. low-rise proposals for R2 and mid-rise proposals for R3 and R4). Additionally, master planning in purely residential areas tends to be less common and less nuanced.



Figure 1. Example of a master planned town centre (FSR/Height controls) – Northbridge town centre (zoned E1)

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2.3.4 Issues in the R1 General Residential Zone

Refinement 3 – Collaborate with councils to address concerns in the R1 general residential zone

The Department will collaborate with the main councils which use the R1 zone to develop refined standards that better align with the varied contexts in which this zone is used. A preliminary refinement that will serve as the basis for collaboration with councils has been developed.

The objective of the R1 General Residential zone is to accommodate various housing types and densities. While many councils do not utilise this zone, it does cover large parts of the inner-city, inner-west, and regional towns like Maitland. All residential typologies, including residential flat buildings, are permitted in this zone as per the Standard Instrument. [Appendix A](#) provides a summary of the R1 zone across Local Environmental Plans (LEPs), including average Floor Space Ratios (FSRs) and heights.

The Explanation of Intended Effect (EIE) proposed to apply the non-refusal standards within 'any zone' where the development type is permitted. This means that the R1 zone within 'station/centre precincts' would be subject to the 6-storey mid-rise controls, as residential flat buildings are permitted in this zone. However, this results in a larger than intended increases for many R1 areas, which typically consist of 1-2 storey low-rise housing. It also poses an issue for heritage areas, where 1-2 storey heritage properties clash with the 6-storey controls. Approximately 24% of all R1 lots are heritage listed or conservation.

The R1 zone does not inherently represent a 'higher order' residential zone compared to the R3 zone for which the mid-rise controls were designed. Consequently, applying mid-rise standards in this zone poses the highest risk within the policy framework. The City of Sydney and Inner West councils have expressed concerns about the potential impact of mid-rise standards in these zones.

Possible Refinements

Most of the concerns raised with the mid-rise standards in the R1 zone could be resolved with one of the following refinements:

Option 1 – Applying only the low-rise standards in the R1 zone (no mid-rise standards)

Option 2 – Applying the low-rise standards to R1 zones that are used for low-rise purposes; and the mid-rise standards to R1 zones that are used for mid-rise purposes, specifically:

- If the R1 zone currently enables +3 storeys (represented by controls for height >10m or FSR>0.8:1), then the 4-6 storey mid-rise provisions will apply.
- If the R1 zone currently enables 1-2 storey (represented by controls for height <10m or FSR <0.8:1), then the 2-3 storey low-rise provisions will apply.

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These refinements are consistent with the objectives of the policy to ensure new housing is 'well-designed' and 'well-located', as it avoids jarring transitions from 1 storey to 6 storeys and maintains a more compatible level of density for the local context.

2.3.5 Heritage concerns

Refinement 4 – Note that the main heritage concerns are addressed by Refinements 2 and 3

The Department does not recommend any specific changes to the policy relating to heritage. However, it is noted that refinement 2 and 3 address the greatest concerns for heritage in the policy as they remove the situation of 6-storey mid-rise standards applying in 1-2 storey heritage contexts.

The primary concern regarding heritage is in heritage conservation areas (HCA) that are characterised by 1 or 2 storey dwellings where the 6-storey controls would apply – this scenario occurs in the R1, MU1, E1, and E2 zones, which are often used for low-rise/low-density purposes and the mid-rise standards would apply. However, this scenario does not occur in R2 zones, which will get the low-rise provisions, nor in R3 and R4 zones, which get the mid-rise provisions however this is aligned with the medium/high density objectives of the zone.

While heritage provisions in Local Environmental Plans (LEPs) and Development Control Plans (DCPs) will remain in force, they will only apply to the extent that they do not conflict with the height and Floor Space Ratio (FSR) standards in the State Environmental Planning Policy (SEPP). Consequently, heritage considerations related to the height and form of an area may have limited weight in the assessment of Development Applications (DA).

Refinement 2 and 3 aim to prevent the unintended consequence of upzoning a single-storey heritage area to 6 storeys. This resolves the main heritage concerns and aligns with the policy objective of ensuring new housing is 'well-designed' and 'well-located' by avoiding abrupt transitions between 1 storey and 6 storeys, thus maintaining a more compatible level of density for the local context.

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2.4 Issue 3 – Flooding, Bushfire and other hazard risks

2.4.1 What DPHI heard about these issues in the submissions

Many submissions, particularly those from councils on the city fringes and in more rural areas, were concerned about how the policy would address natural hazards and risks, such as bushfires and flooding.

The sentiment was that certain natural hazards and evacuation risks cannot be managed effectively at the development application stage. They advised that once an area has been upzoned, there is little that can be done at the development application stage to manage the risks of major floods and bushfires. These issues must be addressed strategically or in the proposed policy. They were also concerned that the availability of the complying development pathway for low-rise housing would mean that there would be little consideration of major flood and bushfire risks.

Many of these submissions also raised concern about the risks of increased density within evacuation areas. For example, in areas with limited or constrained evacuation routes, respondents recommended carefully planning any increases in density as part of a strategic process to ensure risk is managed.

Refinement 5 – Exclude land within the maximum flood zone in high risk catchments

The policy will not apply on land below the Probable Maximum Flood (PMF) level in the Hawkesbury-Nepean Valley and the Georges River catchments. The Department will advise councils of this prior to the workshops and collaborate to develop the appropriate exclusion areas. This land is mostly not well located, being in peri-urban areas and environmentally sensitive. It represents a small portion of LMR land.

DPHI will also work with relevant councils to manage evacuation risks where they cannot be properly managed at DA stage.

Refinement 6 – Exclude high-risk bushfire land

The policy will not apply on category 1 bush fire prone land. The Department will advise councils of this prior to the workshops and collaborate on any outstanding bushfire issues at the workshop.

DPHI will work with relevant councils to manage evacuation risks where they cannot be properly managed at DA stage.

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Refinement 7 – Exclude land is that affected by other hazards that are high-risk

The Department has investigated other hazards including coastal management, contaminated lands, acid sulfate soils, land slip, pipelines and dangerous industries.

The Department considers that these risks can generally be managed at DA stage however there may be circumstances that councils advise are high risk and can be excluded.

2.4.2 Key reasons for refinements 5, 6 and 7

The EIE proposals apply to all land affected by flooding, bushfire and other hazards. Some of this land is high-risk and cannot be properly managed at the DA stage. DPHI recommends excluding high risk lands because:

- It is consistent with the LMR policy objective to ensure new housing is 'well located', as it will avoid upzoning in high-risk locations.
- Ministerial directions 4.1 to 4.6 effectively prevent increases in residential densities in areas affected by hazards unless technical studies demonstrate risks are mitigated.
- The DA process cannot adequately limit the density of an area once it has been upzoned.
- Higher risk areas are mostly at the fringes of the city or in regional settings. that are mostly not suitable for LMR due to a variety of other factors including lack of public transport, distance to major centres, agricultural land uses, and environmental issues
- It accounts for a small proportion of LMR land.

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2.5 Issue 4 – Other issues

There are a number of other issues that warrant policy refinement that are mostly technical in nature which are not appropriate for one-on-one council consultation. There are many submissions from Councils and other stakeholders that contained detailed analysis of these issues which have been used as part of the analysis and refinements.

2.5.1 What DPHI heard about these issues in the submissions

Councils and many industry representatives claimed there was a mismatch between the proposed floor-space ratio and building height provisions. Many councils provided analysis that the floor-space ratio was too high for the intended 4 to 6-storey outcomes. They advised that to achieve the floor-space allowance within a 4 to 6-storey height limit, the buildings would have to be bulky and built to the site boundaries with minimal landscaping.

Some councils also analysed the proposed changes to the Apartment Design Guide, concluding that the changes would reduce amenity and worsen issues for waste collection.

2.5.2 FSR and Height mid-rise standards

Refinement 8 – Recalibrate the FSR and Height mid-rise standards

- For 6 storey mid-rise, change FSR to 2.2:1, height to 22m for residential flat buildings and 24m for shop top housing and introduce a maximum of 6 storeys
- For 4 storey mid-rise, change FSR to 1.5:1, height to 17.5m and introduce a maximum of 4 storeys

The key reasons for these standards are:

- analysis show 6-storeys typically has an FSR between 1.8 and 2.2:1.
- 2.2:1 is recommended as it will accommodate smaller sites and shop top housing developments which need more floor space.
- The FSR is lower than TOD because TOD mandates affordable housing, so if the FSRs are the same, LMR would essentially be more permissive than TOD.
- LMR will only apply in residential zones which need more setbacks and landscaping.
- analysis show 6-storeys typically requires a height between 21-23m for residential flat buildings and up to 24m for shop top housing.
- the heights accommodate compliant ceiling heights, a raised ground floor level, higher ceilings for ground floor shops, and lift overruns/roof access. 24m covers shop top and 22m covers RFBs.

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- a maximum 6 storey control is proposed to ensure the additional height is used to achieve ceiling heights, rather than a 7th storey.

The proposed mid-rise FSR and height standards were intended to enable a well-designed 4 to 6 storey apartment buildings. The standards proposed in the EIE were:

- 0-400m to station/centre: 3:1 FSR and 21m height (intended to be 6 storeys)
- 401-800m to station/centre: 2:1 FSR and 16m height (intended to be 4 storeys)

Further policy development and analysis provided in the submissions have revealed that these controls will produce bulky development that will not be well designed. The main issue is the FSR which is too high to fit within the intended 4 to 6 storey outcome. The only way to achieve it would be having no setbacks to the front and side boundaries, leaving minimal space for landscaping and separation, or to provide 8-10 storeys. This was not the intention.

The Department has used the analysis provided in the submissions and internal design advice to recommend a refined FSR and height provision which is detailed with justification in the tables below.

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Standard	EIE	Recommendation	Analysis and Justification
0-400M FROM STATIONS/TOWN CENTRES			
FSR	3:1	2.2:1	<ul style="list-style-type: none"> Councils and internal analysis show 6-storeys typically has an FSR between 1.8 and 2.2:1. The ADG recommends an FSR of 2:1 for 6-7 storeys. The LMR landscaping controls cannot be achieved at 3:1. 2.2:1 is recommended as it will accommodate smaller sites and shop top housing developments which need more floor space. The FSR should be lower than TOD because: <ul style="list-style-type: none"> TOD mandates affordable housing, so if the FSRs are the same, LMR would essentially be more permissive than TOD which applies in the best transport locations across the Six Cities, LMR will only apply in residential zones which need setbacks and landscaping, unlike employment zones.
Height	21m	24m for shop top housing 22m for residential flat buildings	<ul style="list-style-type: none"> Councils and internal analysis show 6-storeys typically requires a height between 21-23m for residential flat buildings and up to 24m for shop top housing. These heights accommodate ADG compliant ceiling heights, a raised ground floor level, higher ceilings for ground floor shops, and lift overruns/roof access. 24m is recommended for shop top and 22m for RFB. A maximum 6 storey control is proposed below to ensure the additional height is used to achieve ceiling heights, rather than for a 7th storey.
Storeys	None	Max 6 storeys	<ul style="list-style-type: none"> Ensures the additional height provided is used to achieve ceiling heights and amenity, rather than a 7th storey. Ensures the intent of 6 storey mid-rise housing is achieved.

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Standard	EIE	Recommendation	Analysis and Justification
401-800M FROM STATIONS/TOWN CENTRES			
FSR	2:1	1.5:1	<ul style="list-style-type: none"> Councils and internal analysis show 4-storeys typically has an FSR between 1.2 and 1.6:1. The ADG recommends an FSR of 1:1 for 3 storeys. The LMR landscaping controls cannot be achieved at 2:1. 1.5:1 is recommended as it will accommodate smaller sites and shop top housing developments which need more floor space.
Height	16m	17.5m	<ul style="list-style-type: none"> Councils and internal analysis show 4-storeys typically requires a height between 15.5-16.5 m for residential flat buildings. These heights accommodate ADG compliant ceiling heights, a raised ground floor, and lift overruns/roof access. 17.5m is recommended to cover both RFB and shop top housing to allow for higher ceilings for ground floor shops. A 4 storey maximum control is proposed below. This prevents the extra height being used for a 5th storey rather than for amenity.
Storeys	None	Max 4 storeys	<ul style="list-style-type: none"> Ensures the additional height provided is used to achieve ceiling heights and amenity, rather than a 5th storey. Ensures the intent of 4 storey mid-rise housing is achieved.

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2.5.3 Changes to the Apartment Design Guide

Refinement 9 – Do not make changes to the Apartment Design Guide

The EIE proposed several modifications to the Apartment Design Guide (ADG), primarily aimed at reducing requirements to promote mid-rise apartments. These included decreases in building separation for the 5th and 6th storeys, reductions in communal open space, and reducing the need for garbage truck access to sites.

Many council submissions and key group submissions provided commentary and detailed analysis indicating that the proposed changes were unnecessary and would result in negative outcomes, such as diminished amenity and waste management issues. Therefore, it is recommended that no changes are made to the ADG.

While the proposed landscaping controls for low- and mid-rise development in the EIE were intended to be implemented through modifications to the ADG and the low-rise design guide, DPHI will pursue these changes through an alternative mechanism. Feedback from submissions largely supported appropriate landscaping provisions. Internal assessments have indicated that it may be challenging for development to achieve the landscaping controls and to achieve a Floor Space Ratio (FSR) near to the maximum allowance; however, the proposed reduction in FSR to 2.2:1 may alleviate this issue. To ensure flexibility, the landscaping controls will be drafted as guidance-level provisions rather than strict development standards.

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Council Engagement Approach

3.1 Workshop format

Workshops will be conducted with each of the 49 councils that submitted feedback to the Explanation of Intended Effect (EIE). This includes all of the six cities councils (44) and 5 outside the six cities.

The attendees from the Department of Planning, Housing and Infrastructure (DPHI) at these workshops should comprise:

- 1 key decision maker from the LMR policy division, such as a Director or Executive Director.
- 1-3 LMR technical planning officers, including a team leader, with one designated as the note taker.
- 1 representative from the regional team to provide local council knowledge.

The attendees from each council at the workshops should include:

- 1 key decision maker with delegation, such as a Planning Manager or Director.
- 1-3 technical planning officers.

3.2 Preparation for workshops and agenda

The primary objective of the workshops is to establish a consensus on a list of suitable station and town centre precincts for each council, as outlined in **Refinement 1**.

Ahead of the workshops, each council will be provided with an initial list of potentially suitable stations and town centres and feedback will invited on any further exclusions (or inclusions) a council may deem necessary. The Department will evaluate council feedback against the 'criteria for further exclusions' outlined in Section 2.2.3. Any proposed exclusions that the Department disagrees with will be subject to discussion during the workshop. The workshop agenda will focus on these specific stations and town centres, culminating in the development of a final list by the Department.

Some councils will also be directly engaged on **Refinements 3, 4, 5, 6, and 7**, as they relate to issues that are unique to certain councils such as those pertaining to the R1 zone, heritage, or natural hazards.

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Follow-up meetings will be minimised unless they are essential for resolving technical issues that may arise.

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Appendix A – R1 Zone Analysis

Council	R1 Lots	Height of Buildings Control Average	FSR Control Average
Maitland	32612	10m	0.9:1
Central Coast	22581	9.5m	0.6:1
Inner West	19557	13.1m	0.5:1
Sydney	18899	9.8m	1.3:1
Camden	17657	13.5m	N/A
Shoalhaven	7603	8.7m	N/A
Liverpool	6855	9.6m	0.7:1
Northern Beaches	4503	8.7m	0.6:1
Penrith	4022	11.6m	N/A
Campbelltown	1654	9.8m	N/A
Shellharbour	1531	9m	N/A
Cessnock	1256	N/A	N/A
Wollongong	1155	21.3m	1.5:1
Burwood	905	12.1m	1.4:1
Fairfield	890	9m	0.5:1
Blacktown	819	12.6m	N/A
Randwick	613	10.6m	0.7:1
Lake Macquarie	605	10.8m	N/A
The Hills Shire	574	11.8m	1.5:1
Blue Mountains	473	7.5m	0.5:1
Hawkesbury	306	12m	N/A

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Council	R1 Lots	Height of Buildings Control Average	FSR Control Average
Canada Bay	239	12m	0.75:1
Ryde	156	16.6m	2.3:1
Ku-Ring-Gai	47	10.5m	0.45:1
City Of Parramatta	31	17.1m	0.9:1
Port Stephens	10	9m	N/A
TOTAL	145,553	Average = 10.9m Mode = 8.5m Median = 9.5m	Average = 0.82:1 Mode = 0.5:1 Median = 0.6:1

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Department of Planning, Housing and Infrastructure



Low- and Mid-Rise Housing: Station and Town Centre Selection Form

We would like to work with council to determine which station and town centres precincts are suitable to be included in the policy. We have undertaken a preliminary screening to eliminate the most unsuitable station and town centres based on location and service levels (refer to the Policy Refinement Paper for details).

We request council review the initial list of stations and town centres in the form below and select either 'Yes' (include) or 'No' (request to exclude) for each station and town centre.

If you select 'No' to any station or town centre, we request that **reasons are provided** having consideration for the assessment criteria below.

If you could please **complete and return the form at least 1 business day prior to the workshop**, this will ensure we can have a productive meeting.



Low- and Mid-Rise Housing: Station and Town Centre Selection Form

Assessment criteria for further exclusions of station and town centres

We will assess the reasons provided by council for proposed further exclusions of stations and town centres from the initial list. The initial lists are intended to be preliminary screenings designed to eliminate the most unsuitable stations and centres, focusing on location and service levels without considering other factors.

The factors that the Department will consider for further exclusions will include, but are not limited to, the following:

- **Essential infrastructure:** These concerns should be critical and urgent, rather than general issues that can be addressed over time. Essential infrastructure includes water, sewage, stormwater, and electricity.
- **Road infrastructure:** These issues should be critical and urgent, rather than general issues that can be addressed over time. General traffic management is not considered a critical issue.
- **Quality of train service:** The initial screening included frequencies, distance to major hubs, and co-location with town centres, so the remaining issues may relate to capacity or reliability.
- **Quality of bus services in town centres:** The initial screening included a basic bus service screening for town centres, the remaining issues may relate to capacity, reliability, and frequency.
- **Level of service of town centres:** The initial screening was for the presence of a major supermarket, which was intended to predict the overall level of service of a centre. There may be some centres that contain a major supermarket, but do not have an adequate range of other frequently needed shops and services.
- Land constraints and environmental risks within the precincts will be dealt with separately via direct land exclusions in Refinements 5, 6 and 7 (refer to Policy Refinement Paper)



Low- and Mid-Rise Housing: Station and Town Centre Selection Form

Ku-ring-gai – Station and Town Centre selections form

Station and Centre Precincts	Location and description	Council Response: Include?	Council Response: If no, please provide key reasons?
Town centre precincts	Gordon Centre Shopping Mall	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE
	Lindfield Shops (Lindfield Avenue)	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE
	St Ives Shopping Village	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE Requires the implementation of the planned Mona Vale to Macquarie Park high frequency bus service.
	Turrumurra Shops	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE
Stations precincts	Gordon Station	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE
	Killara Station	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE. Inadequate range of other frequently needed shops and services.
	Lindfield Station	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE.



Low- and Mid-Rise Housing: Station and Town Centre Selection Form

Station and Centre Precincts	Location and description	Council Response: Include?	Council Response: If no, please provide key reasons?
	Pymble Station	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE Inadequate range of other frequently needed shops and services.
	Roseville Station	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE Inadequate range of other frequently needed shops and services.
	Turramurra Station	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE
	Wahroonga Station	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE Inadequate range of other frequently needed shops and services.
	Warrawee Station	No	<ul style="list-style-type: none"> Insufficient essential infrastructure and road infrastructure – refer to Council submission on exhibition of EIE No provision of shops and services.



Low- and Mid-Rise Housing: Bushfire, Flood, and other hazards/constraints feedback form

We would like to work with council to refine the policy to manage concerns relating to bushfire, flood, evacuation, and other hazards/constraints. Please refer to the **Policy Refinement Paper** for further detail on these issues and the proposed policy refinements to manage them.

We request that council provide feedback on each of the proposed policy refinements to manage concerns relating to bushfire, flood and other hazards/constraints and identify any additional lands that may warrant exclusion. If you could please **complete and return this form at least 1 business day prior to the workshop**, this will ensure we can have a productive meeting.

Proposed policy refinement	Council Response
<p>Bushfire</p> <p>Exclude land designated as Bushfire prone land Category 1 on Rural Fire Service mapping.</p> <p>Any additional bushfire prone land nominated for exclusion should be confined to issues that cannot be managed at the DA stage, and should be well-evidenced (e.g., studies, mapping).</p>	<ul style="list-style-type: none"> All Bushfire Prone Land Mapped areas should be excluded, not just Category 1 Land. It is imperative that any increases in density within mapped areas (including the buffer) is strategically assessed for evacuation and RISK, not just hazard. This is because the BFPL mapping identifies HAZARD (presence of a certain type of vegetation and size of patch), however this does not specifically identify bushfire RISK which needs to consider other factors such as slope, prevailing wind, microclimate, evacuation opportunity etc. The density of development in an area impacts on the relative RISK and as such cannot be appropriately determined at DA stage, particularly where appropriate areas for increased density have not been specifically assessed.



Low- and Mid-Rise Housing: Bushfire, Flood, and other hazards/constraints feedback form

Proposed policy refinement	Council Response
<p>Flood Exclude land below the Probable Maximum Flood (PMF) level in the catchments of Hawkesbury-Nepean Valley and Georges River. Council should assist in determining the appropriate exclusion areas to be mapped by the Department.</p> <p>Any additional flood prone land nominated for exclusion should be confined to issues that cannot be managed at the DA stage and should be well-evidenced.</p>	<ul style="list-style-type: none"> Properties identified with Overland Flow or mainstem flow should be excluded in all areas. Properties that do not have a direct, gravity-fed connection to the stormwater system should be excluded. Nuisance flooding caused by inefficient stormwater disposal via charged systems (prone to failure where maintenance is not maintained) and infiltration/dispersal systems can cause significant damage and increased density of development in the area will exacerbate existing issues. Councils should also be able to exclude properties in areas that are known to have undersized stormwater systems (anywhere unable to cope above the 10yr ARI (event, until such time that infrastructure can be upgraded as required). In areas where flood studies have not yet been completed, councils should be able to exclude properties with drainage easements, stormwater infrastructure, creeks and other drainage lines until such time that a study can be completed, and flood risk can be understood.
<p>Evacuation Exclude land based on evacuation capacity constraints or other evacuation issues, arising from hazards risk (e.g bushfire, flooding or other hazard).</p> <p>Any land nominated for exclusion based on evacuation risks should be those which are unable to be managed at the DA stage. These must be appropriately evidenced (e.g., through previous evacuation studies).</p>	<ul style="list-style-type: none"> All Identified Bushfire Evacuation Exclusion Areas should also be excluded. This is land shown cross-hatched on the Bush Fire Evacuation Risk Map and listed as Environmentally sensitive land under Schedule 3 of SEPP (Housing) 2021. These are areas that have been identified as having sufficient risk to not be suitable for seniors living and should not be subject to increased development without strategic assessment and planning. Due to the steep topography and relatively short timeframe for flooding in Ku-ring-gai, evacuation risk for flooding is not a significant issue, however staff would support the exclusion of areas identified as Low Flood Islands. That is areas identified in Flood Studies as Low Flood Islands or FIS (Where all the land in the isolated area will be fully submerged in a PMF after becoming isolated) Emergency Response Category.



Low- and Mid-Rise Housing: Bushfire, Flood, and other hazards/constraints feedback form

Proposed policy refinement	Council Response
<p>Other hazards or constraints</p> <p>The Department has investigated other hazards including coastal management, contaminated lands, acid sulfate soils, land slip, pipelines and dangerous industries.</p> <p>The Department considers that these risks can generally be managed at DA stage however there may be circumstances that councils advise are high risk and cannot be adequately managed in the DA. Council's should identify these lands and they can be considered for exclusion.</p>	<ul style="list-style-type: none"> • Areas identified on the <i>NSW Biodiversity Values Map</i> should be excluded from the low and mid-rise housing SEPP. Although the Biodiversity Offsets Scheme may be likely to be triggered for development in these areas, the piecemeal implementation leaves significant risk that the cumulative impacts of development activities cannot be effectively considered. <p>Consideration of the impacts of increased intensity of development in these areas is much better considered through a thorough strategic planning process, that would enable due consideration of cumulative impacts across an area. Thorough strategic planning also provides the opportunity to implement specific controls to aid in the protection and enhancement of the state's most important biodiversity assets.</p>