

**Item No:** R1 Recommendation to Council  
**Subject:** **SUBMISSION ON PRECINCTS FOR LOW AND MID-RISE HOUSING REFORMS**  
**Authors:** Lyle Tamlyn, Acting Team Leader Strategic Planning  
Fiona Aghili, Strategic Planner  
**Approver:** Scott Pedder, Director Planning & Place  
**File No:** 24/90932  
**Purpose of the Report:** To inform Council of the submission provided to the Department of Planning, Housing and Infrastructure on precinct selection for the low and mid-rise housing reforms.  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

**Recommendation:**

THAT Council:

- A. Receives and notes the report to the Environmental Planning Committee of 3 June 2024, and accompanying staff submission at **Attachment 1**, regarding the Department of Planning, Housing and Infrastructure's precinct selection for the low and mid-rise housing reforms across the Woollahra Local Government Area.
- B. Request the Mayor write to the Minister for Planning and Public Spaces, indicating Council's support for the staff submission and continued opposition to the low and mid-rise housing reforms.

---

**Executive Summary:**

The purpose of this report is to inform Council of a submission that staff prepared in response to a request from the Department of Planning, Housing and Infrastructure (DPHI) concerning precinct selection for the low and mid-rise housing reforms (see **Attachment 1**) across the Woollahra Local Government Area (LGA). In preparing the submission, staff maintained strong opposition to the proposed reforms and provided evidence on why each precinct selected by the DPHI could not accommodate the level of growth envisaged.

As per the recommends included in this report, staff recommend that a letter be written to the Minister for Planning and Public Spaces, outlining Council's support for the staff submission and continued strong opposition to the proposed low and mid-rise housing reforms.

**Discussion:**

Background

On October 2022, the *National Housing Accord* (Accord) was introduced with a national five year target of one million well-located new homes by June 2029. In August 2023, National Cabinet announced a revised five year target of 1.2 million well-located dwellings from mid-2024. The NSW Government committed to deliver at least 314,000 new homes by mid-2029, with a stretch goal of 377,000 dwellings. The Accord requires the NSW Government work in collaboration with Councils on changes to meet the five year housing target, with an agreement to: *'commit to working with local governments to deliver planning and land-use reforms that will make housing supply more responsive to demand over time, with further work to be agreed under the Accord.'*

On 28 November 2023, a press release from the NSW Government announced planning changes to create new low and mid-rise housing.

On 15 December 2023, the *Explanation of Intended Effect: Changes to create more low and mid-rise housing* (EIE) was placed on public exhibition. The proposed controls in the EIE were aimed at encouraging low and mid-rise housing in response to the housing crisis.

The changes in the EIE sought to:

- Expand land use permissibility to allow dual occupancies in the R2 Low Density Residential zone (already permissible under the Woollahra LEP 2014);
- Expand land use permissibility to allow manor houses and multi-dwelling housing in the R2 Low Density Residential zone, in station and town centre precincts;
- Implement non-refusal standards for height and floor space ratio (FSR); and
- Introduce other planning provisions such as changes to the *Apartment Design Guide* (ADG), landscaping provisions and Torrens subdivision of dual occupancies.

In response, staff prepared a submission to the exhibition period and tabled this at the Council meeting of 26 February 2024.

The submission raised the following key concerns with the proposed reforms:

- They do not adhere to the requirements of the National Accord;
- They erode the planning hierarchy established under the *Environmental Planning and Assessment Act 1979* by introducing confusion and complexity through overriding carefully crafted local provisions that support desired future character;
- The reforms will introduce uncertainty into the planning system;
- Uplift of this scale proposed must be delivered through place based planning supported by an evidence base including extensive site modelling and feasibility testing;
- They introduce one-size-fits-all non-refusal standards that will create excessive bulk and scale;
- The reforms significantly reduce canopy provisions;
- They are accompanied with limited information as to how heritage significance and environmentally sensitive areas will be protected;
- Complexities associated with the assessment of non-refusal standards will delay the processing of development applications; and
- Funding for additional infrastructure has not been considered, which is particularly important given there is no alignment with State infrastructure provision.

After considering the matter, Council resolved:

*THAT Council:*

- A. *Notes the report on the exhibition on the Explanation of Intended Effect: Changes to create low and medium-rise housing.*
- B. *Endorses the draft submission at **Attachment 1** of the report to the Council meeting of 26 February 2024 and requests it be submitted to the Department of Planning, Housing and Infrastructure, and:*
  - i. *Incorporate the minor amendments and enhancements suggested by Councillors during the Council meeting of 26 February 2024 and as circulated to staff via email;*
  - ii. *Recognising the importance of keeping our community informed, plus reinforcing Council's strong opposition to the NSW State Government's proposed planning changes; that a Communication Strategy is developed to assist our community in further understanding the changes and how to engage with the NSW State Government.*

- C. *Opposes the NSW State Government's proposed changes to create low and mid-rise housing in its current proposed form (as set out in the Explanations of Intended Effects referred to in paragraph A) due to the issues raised in Council's draft submission (referred to in paragraph B), especially noting that the proposed "one size fits all" reforms:*
- i. fundamentally abandon best practice, place-based strategic planning;*
  - ii. fail to consider the cumulative impacts of unplanned increased density on traffic, parking, heritage, infrastructure capacity, local character and the environment;*
  - iii. do not address how the additional infrastructure and essential services, which are the responsibility of the NSW State Government to provide, required to support density and population growth will be adequately funded and delivered; and*
  - iv. do not require the onsite delivery of a significant amount of affordable housing in perpetuity.*
- D. *Affirms that councils are best placed to appropriately plan for increased density in their municipalities in consultation with the NSW State Government and their local communities.*
- E. *Acknowledges that Woollahra Council is already meeting and exceeding NSW State Government housing targets, and already has a population density that is comparable to other global cities, and which is significantly higher compared to other areas in Greater Sydney.*
- F. *Writes to NSW Premier the Hon Chris Minns MP, the NSW Minister for Planning the Hon Paul Scully MP, the NSW Member for Vaucluse the Hon Kellie Sloane MP, the NSW Member of Sydney the Hon Alex Greenwich, the Federal Member for Wentworth the Hon Allegra Spender MP and the President of Local Government NSW Cr Darriea Turley AM, to:*
- i. express Council's strong opposition to the proposed changes as set out in the NSW State Government's Explanations of Intended Effects: changes to create low and mid-rise housing, for the reasons set out in Council's draft submission;*
  - ii. request their support in ensuring that future planning reforms are developed in consultation with local government to ensure that they:*
    - a. recognise and address infrastructure and traffic constraints, the importance of protecting residential amenity, heritage, local character, tree canopy and local natural environment; and*
    - b. deliver genuinely affordable housing within a strategic, precinct-based framework supported by proper infrastructure planning; and*
  - iii. release or request the release of the modelling and technical studies underpinning the proposed planning reforms for NSW.*
- G. *Send the draft submission referred to in paragraph B above in as a submission (with such changes as are deemed necessary by staff) to the NSW Legislative Council Inquiry into the development of the Transport Oriented Development Program commenced by the Terms of Reference published on 23 February 2024.*

In accordance with Part B, an amended version of the submission was submitted to the DPHI on 1 March 2024. A communication strategy was also developed in liaison with relevant Council staff and progressively implemented.

The letters referenced in Part F were prepared by staff and issued to all the named recipients on 6 March 2024. All letters received an acknowledgement email, and a letter of response was provided by the Federal Member for Wentworth, the Hon Allegra Spender MP (**Attachment 2**). As a result of the letter sent to the Minister for Planning and Public Spaces, on 20 May 2024 a meeting took place between the Minister, DPHI staff and the Mayor Cr Richard Shields. As required by Part G, the amended submission was also provided to the NSW Legislative Council *Inquiry into the development of the Transport Oriented Development Program* on 6 March 2024.

### Refinement of policy and precincts

On 8 May 2024, Council staff received an email from the DPHI with details of refinements made to controls specified in the EIE, as well as list of precincts being considered for the Woollahra Local Government Area (LGA).

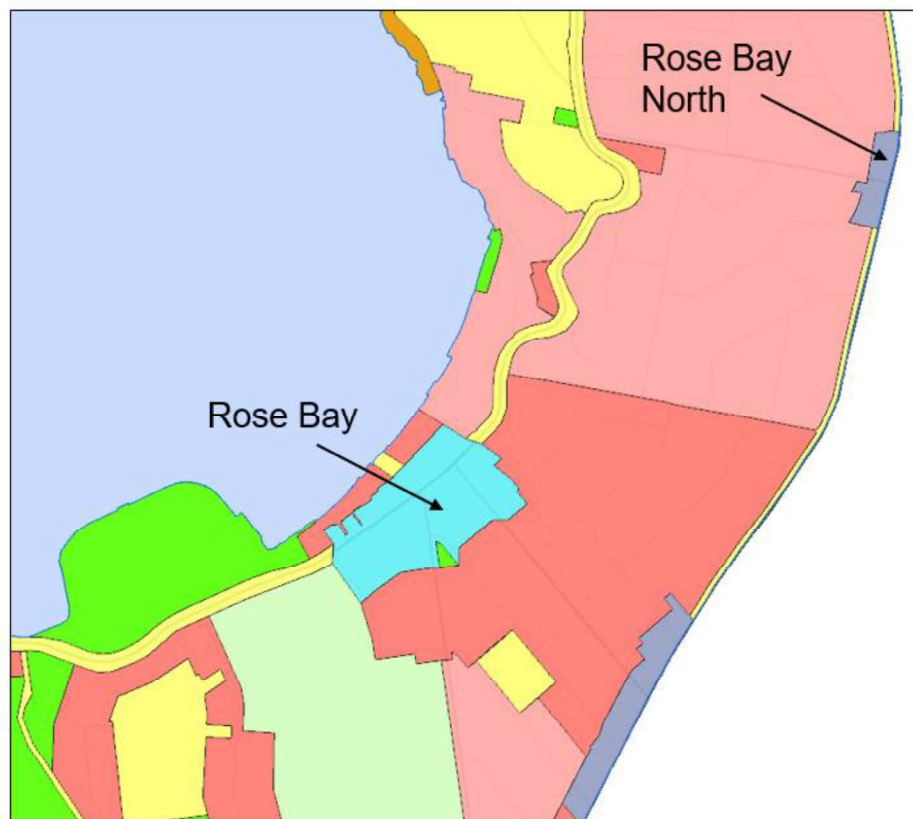
The refinement paper is provided at **Attachment 3**. In summary, it proposes the following adjustments:

- Details of collaboration with councils to clarify which precincts are included;
- Non-application of standards to land zoned for employment purposes;
- Revised treatment of R1 General Residential zoned land (not applicable to our LGA);
- Exclusion of high-risk flood or bushfire prone land;
- Recalibration of height and FSR controls; and
- Removal of changes to ADG and introduction of guidance provisions for site landscaping.

A list of precincts was provided in a feedback form (**Attachment 4**). These are listed below:

- Edgecliff Station and Shopping Centre (technically regarded as two precincts by the DPHI);
- Double Bay Town Centre;
- Rose Bay North (Old South Head Road)<sup>1</sup>; and
- Rose Bay (New South Head Road).

The locations of the two Rose Bay precincts are shown in **Figure 1** below:



**Figure 1:** Location of Rose Bay precincts.

The selection of station and/or town centre precincts is significant, as the reforms prescribe the most generous uplift in building height and FSR for land within 400-800m of certain precincts.

---

<sup>1</sup> This centre is bounded by Captain Pipers Road and Kobada Road, and includes the small Coles supermarket.



In the email request to Council staff, the DPHI requested staff to nominate which centres we would and would not support being included in the reforms, and then to meet with the project team to discuss our rationale. The DPHI requested staff to have regard to the following in preparing our responses:

- **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.*

Staff prepared a response and submitted it by the 23 May 2024 deadline. In addition to the above points, staff also took the opportunity to discuss some flooding, acid sulfate soil and hydrogeological constraints faced by various centres, and concerns we held with the refinement paper itself. The General Manager, Director of Planning & Place and senior Strategic Planning staff met online with the DPHI project team on 24 May 2024.

The staff response to the DPHI selected precincts is provided at **Attachment 1** for review using the template provided by DPHI. It should be noted that at the above-mentioned meeting with the DPHI, the DPHI stated that our staff response was a 'stellar example' of the sort of information they were hoping to see in response to their selected precincts. Regrettably, due to the two week timeframe, it was not possible to circulate the submission to Councillors for feedback prior to submission, noting that staff raised concern with the limited timeframe given for response with the DPHI.

Further to the above, the reason this information is now being tabled at a Committee meeting of Council (and subsequently to the Council meeting of 11 June 2024), is that the General Manager did not consider it appropriate that Council staff were being requested to determine whether certain selected precincts by the DPHI were appropriate or not for implementation of the low and mid-rise housing reforms, without reference to Councillors, noting the potential impacts on the broader community of such decisions.

### **Options:**

As a consequence of this report Council may resolve in line with the recommendations included in this report, or resolve in some other manner.

### **Community Engagement and / or Internal Consultation:**

Staff have previously placed information on the reforms on the Council's website and a YourSay webpage to inform the community about these significant reforms.

The submission that is the subject of this report was prepared by staff across the Strategic Planning and Place Department, utilising previous assistance from Council's Spatial Systems Support Coordinator.

### Policy Implications:

The DPHI have identified the following implementation schedule in **Table 1**.

**Table 1:** Implementation schedule from DPHI.

| Step 1                     | Step 2                               | Step 3                             | Step 4                |
|----------------------------|--------------------------------------|------------------------------------|-----------------------|
| Exhibition and engagement  | Submissions consideration and Report | Policy Drafting (no re-exhibition) | Finalisation          |
| Concludes 23 February 2024 | March-April 2024                     | March –June 2024                   | July - September 2024 |

Having regard to the above, amendments to planning legislation may affect the Woollahra LGA as early as July 2024.

### Financial Implications:

There are no financial implications associated with this matter at present. However, Council may have to increase infrastructure funding if the reforms proceed.

### Resourcing Implications:





There have been significant resource implications associated with this matter, as multiple staff have been involved in preparing this second submission which has impacted their ability to progress other matters.

### Conclusion:

Following receipt of Council's first submission to the low and mid-rise housing reforms, the DPHI released a refinement paper and asked Council staff to comment on proposed precincts in the Woollahra LGA. Staff provided a robust response, at **Attachment 1**, signalling our continued opposition to the proposed changes.

Staff recommend that a letter indicating Council's support of the staff submission and ongoing opposition to these reforms be sent to the Minister for Planning and Public Spaces.

### Attachments

1. Staff Submission to Proposed Precincts in Woollahra LGA - May 2024 [↓](#) 
2. Federal Member for Wentworth Allegra Spender MP Letter to Woollahra Council - 8 May 2024 [↓](#) 
3. Low and Mid-Rise Housing Refinement Paper - April 2024 [↓](#) 
4. Feedback Form on Precincts - May 2024 [↓](#) 

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 that 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



## Woollahra – Station and Town Centre selections form

| Station and Centre Precincts | Location and description             | Council Response: Include? | Council Response: If no, please provide key reasons?                             |
|------------------------------|--------------------------------------|----------------------------|--|
| <b>Town centre precincts</b> | Double Bay Town Centre               | No                         | <ul style="list-style-type: none"> <li>See a detailed response below.</li> </ul> |
|                              | Edgecliff Shopping Centre            | No                         | <ul style="list-style-type: none"> <li>See a detailed response below.</li> </ul> |
|                              | Rose Bay North (Old South Head Road) | No                         | <ul style="list-style-type: none"> <li>See a detailed response below.</li> </ul> |
|                              | Rose Bay (New South Head Road)       | No                         | <ul style="list-style-type: none"> <li>See a detailed response below.</li> </ul> |
| <b>Stations precincts</b>    | Edgecliff Station                    | No                         | <ul style="list-style-type: none"> <li>See a detailed response below.</li> </ul> |

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



**Key Points and recommendations**

1. Staff strongly object to the proposed precincts of Edgecliff, Double Bay, Rose Bay (New South Head Road) and Rose Bay North (Old South Head Road) based on immediate and evidenced infrastructure capacity issues relating to water and sewerage, road infrastructure, train and bus network servicing, amenities/services, schooling and open space. We also object to the onus being placed on councils to produce information on key public services (e.g. sewerage) that are outside of our jurisdiction. We have also identified concerns related to lack of consideration of flooding/hydrology and acid sulfate soil risks.
2. We strongly oppose the application of non-refusal standards from adjoining LGAs, including the proposed precincts at Bondi Junction, Bondi, Darlinghurst and Potts Point / Kings Cross / Rushcutters Bay based on the same issues outlined in Point 1 above.
3. Heritage significance will be greatly impacted by the proposed precincts. The refinement paper suggests that changes would eliminate instances of a six storey mid-rise in a 1-2 storey heritage context by not applying standards in employment zones and collaborating to address concerns with the R1 General Residential zone. However, the above changes do not address the issue, as later discussed. We strongly recommend that if the reforms proceed, the non-refusal standards do not apply to heritage significant areas of the R2 Low Density Residential and R3 Medium Density Residential zones.
4. The revised guidance-level landscaping provisions and reduced FSR proposed (2.2:1) will not alleviate the poorer tree canopy outcomes under the reforms when compared to our local controls. The provisions would still likely override *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) controls and decrease tree canopy and deep soil areas. If the changes proceed, Council would be pressed to meet the *Woollahra Urban Forest Strategy's* goal of 30% tree canopy cover by 2050. We would similarly struggle to achieve the NSW Government's ambitious 40% tree canopy target by 2036.
5. There is insufficient time for staff to respond to the proposed precincts and refinement paper. To meaningfully respond, staff would need to undertake detailed GIS research, commission transport studies, and obtain information from relevant authorities. As part of this response, staff have reached out to Sydney Water and Ausgrid for feedback on servicing requirements but further time is required to receive their comments.
6. The station and town centre precinct selections that have been proposed by the Department would have unprecedented impacts on the character of the Woollahra LGA. In light of the scale of the impacts and the proposed development standards, decisions on whether Council agrees or disagrees with the proposed precincts is not a decision that staff have the delegation to make. The information included in this response document are the views of Council staff only. Any determinations on the suitability or otherwise of the station and town centre selections are ultimately decisions for the elected Councillors of Woollahra Council in due course.

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



**Introduction**

The Woollahra Local Government Area (LGA) is a well-established in-fill area in the Eastern District of Greater Sydney with higher than average levels of both dwelling and population density compared to Greater Sydney and other comparable LGAs. Further detail is provided below:

- Information from the Australian Bureau of Statistics (ABS), dated 30 March 2021, identifies that the Woollahra LGA is the seventh densest LGA in Sydney, with a density of 4,363 people per square kilometre and a total population of 53,496;
- The population density is shown to be considerably higher for the suburbs of Double Bay (5,886 people per km<sup>2</sup>), Edgecliff (8,331 people per km<sup>2</sup>), Paddington (7,938 people per km<sup>2</sup>) and the Woollahra suburb (5,886 people per km<sup>2</sup>).
- Dwelling density in our area exceeds many other comparable areas in Sydney, with 76.6% of dwellings being medium or high density, compared to 43.5% in Greater Sydney. This is clear in areas such as Double Bay and Edgecliff, where high density living is the norm comprising of 76.6% and 69.9% respectively; and
- Our area has higher than average dwelling diversity comprising of 55.6% apartments, 21% terraces and townhouses, and only 22.3% detached houses (ABS Census 2021).

Woollahra Council has successfully delivered on the requirements set out in the *Eastern District Plan*, which implements the *Greater Sydney Plan – a Metropolis of Three Cities*. The proposed reforms have no regard for the strategic planning work of Council in delivering additional housing in our area. We have met and exceeded the five year housing target (2016/17 to 2020/21) (300 + 212 extra dwellings) and are on track to meet the 6-10 year target. Between November 2016 to May 2023, 727 net additional dwellings have commenced or completed construction. We are implementing the region and district plan through best practice strategic planning, using a place based approach to inform local plans and strategies with appropriate community consultation.

The proposed changes would fundamentally undermine our carefully crafted, place-based plans developed over the last 20 years in consultation with our community. The reforms do not account for the recently adopted, Council-led strategies for the Edgecliff Commercial Centre (ECC) and Double Bay Centre, which will produce up to 615 and 300 net additional dwellings respectively. In addition to these figures, under the current planning controls, the ECC has an existing capacity for up to 830 dwellings, and Double Bay Centre has an existing capacity for 360 new dwellings.

Another significant issue with the reforms is the unintended effect of net dwelling loss, and subsequent consequences of creating more expensive dwellings (decreasing affordability) and less housing diversity. This is already an emerging issue being experienced by inner Sydney LGAs including Woollahra, Waverley and the City of Sydney. High value land with older apartment buildings is being redeveloped, or smaller sized dwellings are being renovated to create larger dwellings with three bedrooms or more. The NSW Government needs to recognise and respond to this issue in order to ensure that land for housing is being used efficiently.

In summary, we have significant concerns with the proposed station and town centre precincts for our area and strongly object to their implementation. We urge the NSW Government to recommit to a sound strategic planning framework, aligned with state infrastructure provision, and to collaborate with councils on an alternative best practice planning response to meet the five-year housing target under the National Housing Accord.

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



## Edgecliff Commercial Centre (Proposed Station and Town Centre Precinct)

### Overview

The information provided by the Department refers to the Edgecliff Shopping Centre and Edgecliff Station as two separate precincts. As the retail area in Edgecliff directly adjoins the station, and they both share the same E1 Local Centre zoning, we have referred to them collectively as the Edgecliff Commercial Centre (ECC in this response). The ECC is approximately 2.9km east of the Sydney CBD. The Edgecliff suburb itself is characterised by 93.5% medium and high density housing with a low percentage of separate housing, as shown in **Table 1**. It is surrounded by the densely populated suburbs of Double Bay, Darling Point, and Paddington.

| Suburb         | Low density | Medium density | High density |
|----------------|-------------|----------------|--------------|
| Edgecliff      | 5.8%        | 23.6%          | 69.9%        |
| Double Bay     | 13.4%       | 8.9%           | 76.6%        |
| Darling Point  | 6.5%        | 5.9%           | 87.1%        |
| Paddington     | 6.6%        | 60.5%          | 31.8%        |
| Woollahra LGA  | 22.3%       | 21%            | 55.6%        |
| Greater Sydney | 55.8%       | 12.8%          | 30.7%        |

**Table 1:** Dwelling structure by density in Edgecliff and surrounding suburbs comparison with Woollahra LGA and Greater Sydney (ABS, Census 2021)

### Extent of proposed station and town centre precinct

The refinement paper has confirmed that E1 Local Centre and MU1 Mixed Use Centre zoned land will be included in station and town centre precincts, but would not be subject to the proposed non-refusal standards. While we do not support a precinct in the ECC, if the Department proceeds, the MU1 zoned land should not be included as part of the centre on the basis that the supermarkets, station and amenities/services are located within the land zoned E1 Local Centre. The commercial core is the focal point for the ECC, providing connection to the train network and the bus interchange. The MU1 zoned land is geographically separate to the commercial core, and is a linear strip of land along the state road, New South Head Road that does not meet the criteria for a suitable level of services and amenity for inclusion.

### Existing zoning, development standards and heritage conservation areas

Council has already recognised the important function of this centre and has started planning for increased development on land zoned E1 Local Centre and MU1 Mixed Use. On 29 April 2024, Council endorsed the *Edgecliff Commercial Centre Planning and Urban Design Strategy* (the Edgecliff Strategy). As detailed previously, the Edgecliff Strategy will create up to 615 additional new dwellings, on top of the current planning controls that allow up to 830 dwellings.

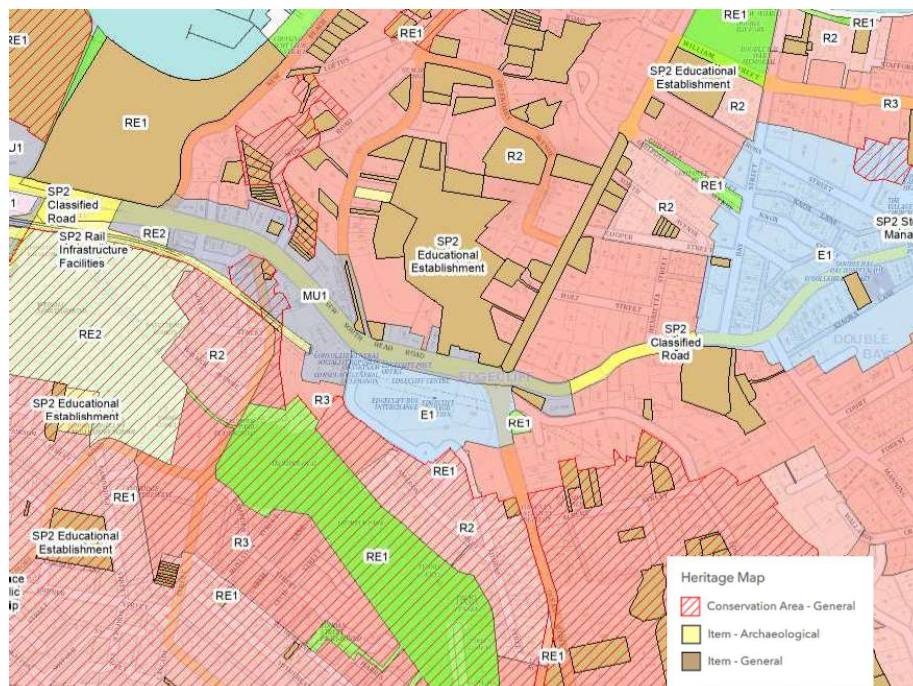


Low- and Mid-Rise Housing: Station and Town Centre Selection Form



Surrounding the centre, the existing controls have appropriate floor space ratio (FSR) and building heights that respond to our desired future character and its heritage significance. Despite the surrounding area consisting largely of heritage conservation areas (HCAs), they already have an existing density that is higher than most parts of Greater Sydney.

The extent of the HCAs with R3 Medium Density Residential zoning is shown below in **Figure 1**.



**Figure 1:** Edgecliff E1 Local Centre existing land use zoning and surrounding heritage

**Flood risk**

Paddington has a significant history of flooding. Notable floodings events have occurred in November 1984, January 1989, March 1989, January 1991, April 2012, April and August 2015 and February 2017. These events have been the result of high intensity rainfall.

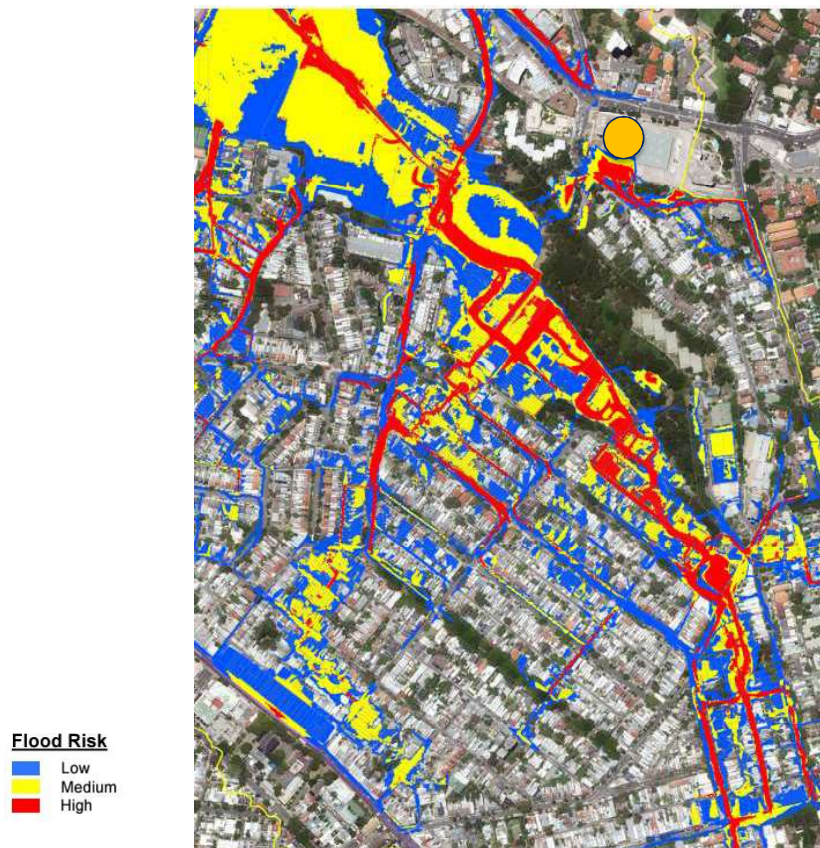
In 2019, Simulations Solutions completed the *Paddington Floodplan Risk Management Study and Draft Plan* that revealed a medium to high flooding risk in Paddington within the proposed Edgecliff station and town centre precinct (**Figure 2**). It was recommended that any development intensification, such as the consideration of higher density planning controls, must ensure there are no adverse impacts on flooding. This would require new planning controls to be rigorously tested, which has not occurred as part of the proposed reforms.

In line with the Department's 2021 Flood Prone Land Package, planning authorities are required to assess planning proposals in accordance with *Section 9.1 Ministerial Direction - 4.3 Flooding - for planning proposals* that create, remove or alter a zone or a provision that affects flood prone land.

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



If the relevant assessments have not been completed, then staff recommend that flood prone land should be excluded as increases in density in a certain area may not be compatible with the relevant LEP clause.



**Figure 2:** Paddington flood risk mapping (Simulations Solutions, 2019), orange circle denoting Edgecliff Station.

**Response to criteria in the form provided relating to service provision and infrastructure**

Council staff have not had sufficient time to undertake a full assessment of service and infrastructure provision. However, we are able to provide some information in response to the criteria provided.

In February 2024, Council provided a submission on the reforms that highlighted the infrastructure constraints already facing our area. This was supported by comments from the Sydney Morning Herald on 11 December 2023, in an article that discussed the limited additional growth potential for Edgecliff:

*Planning Minister Paul Scully has revealed that key suburbs in the east including Bondi Junction and Edgecliff were “currently limited in additional growth” because of constraints on infrastructure that proved difficult to overcome.*

The Minister also noted:

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



*"There are part of Sydney's east that area currently limited in additional growth because of limited sewer and water infrastructure. Edgecliff as just one example is one of those".*

The Sydney Morning Herald article also stated:

*The government provided Opal card data for both Bondi Junction and Chatswood to point to its transport infrastructure already being at "high capacity".*

More specifically, the following constraints exist for Edgecliff:

- **Road Infrastructure:** A recent study by SCT Consulting (2024) found the intersection of New South Head Road / Glenmore Road / Mona Road was performing poorly. It is already at capacity for AM peak hour (7:15am to 8:15am) and PM peak hour (5:00pm to 6:00pm) traffic. This intersection is a key point of access to the ECC from surrounding residential land in Paddington and Darling Point, which would be significantly affected by the reforms. This performance modelling was also done outside of school pick up and drop off hours, where 400m queues along New South Head Road and into the side streets are common.
- **Schools:** The need to accommodate a new public high school is an immediate concern, with Rose Bay Secondary College at 96% capacity and the Inner Sydney High School at 93% capacity. School Infrastructure NSW noted these capacity issues in their submission to the Edgecliff Strategy when exhibited. Primary schools in the area are also facing capacity constraints, with Woollahra Public School being over capacity at 102%, Glenmore Road Public School at 99% capacity and Double Bay Primary School at 81% capacity.
- **Open Space:** The *Woollahra Recreation Strategy 2023* found the Woollahra LGA has a deficiency of open space, and from a planning perspective, few opportunities to increase the quantity. Our area's high to medium density living environment, combined by the popularity of our open spaces with visitors, has created high demand for quality open spaces. It is likely that new residents of this centre would not enjoy a sufficient supply of open space at surrounding parks such as Trumper Oval.
- **Quality of bus services in town centres:** Bus Opal Assignment Model (BOAM) information, obtained from TfNSW (2023) and reported by SCT Consulting (2024) shows there are multiple bus services over capacity at peak times for Edgecliff. There would be limited ability to provide more, given existing congestion issues through the area.

**Conclusion and recommendations for Edgecliff Commercial Centre (Proposed Station and Town Centre Precinct)**

For the reasons outlined above and in our previous submission, staff strongly recommend the proposed station and town centre precinct for Edgecliff should be excluded due to existing densities, infrastructure limitations and impacts on heritage significance.



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



### Double Bay (Proposed Town Centre Precinct)

The Double Bay Centre is approximately 5km east of the Sydney CBD. It sits on the state road, New South Head Road, which serves as a link to Sydney CBD, the Cross City Tunnel and the Eastern Suburbs more broadly. The Double Bay suburb itself is characterised by 85.5% medium and high density housing including, as shown in **Table 2**.

| Suburb         | Low density | Medium density | High density |
|----------------|-------------|----------------|--------------|
| Double Bay     | 13.4%       | 8.9%           | 76.6%        |
| Woollahra      | 17.8%       | 31.1%          | 50.4%        |
| Woollahra LGA  | 22.3%       | 21%            | 55.6%        |
| Greater Sydney | 55.8%       | 12.8%          | 30.7%        |

**Table 2:** Dwelling structure by density in Double Bay and surrounding suburbs comparison with Woollahra LGA and Greater Sydney (ABS, Census 2021)

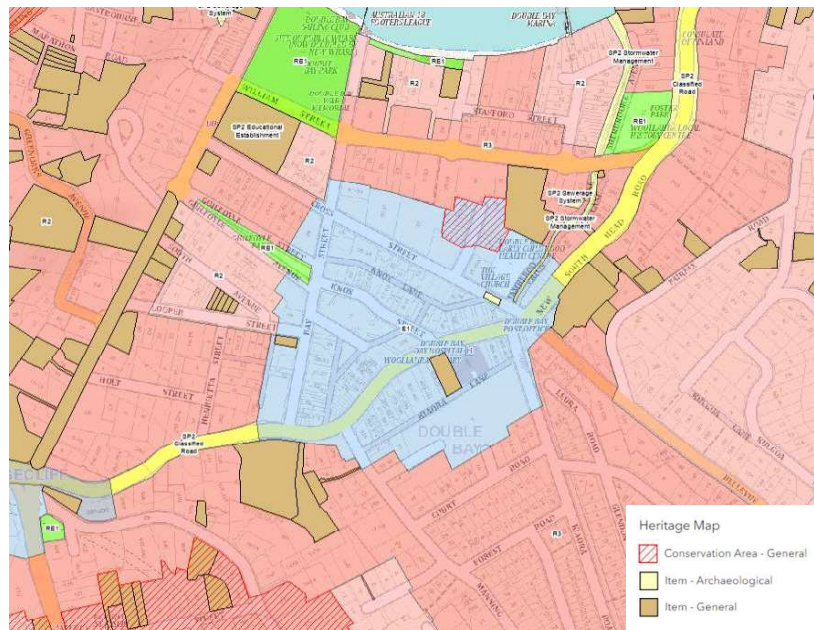
### Extent of proposed station and town centre precinct

The refinement paper indicates that E1 Local Centre zoned land would not be subject to the non-refusal standards. While we do not support Double Bay Centre's inclusion as a precinct, if the reforms proceed we support the standards not applying to the land zoned E1 Local Centre.

### Existing zoning, development standards and heritage conservation areas

Council has already recognised the important function of this centre and on 27 November 2023 Woollahra Council endorsed the *Double Bay Centre Planning and Urban Design Strategy* (the Double Bay Strategy). The Strategy will create 300 new dwellings, in addition to the current controls which have a capacity of 360 new dwellings. Surrounding the centre, Council controls are appropriately designed with FSRs and building heights that respond to our desired future character and retain significant heritage in the area as shown in **Figure 3** below.

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



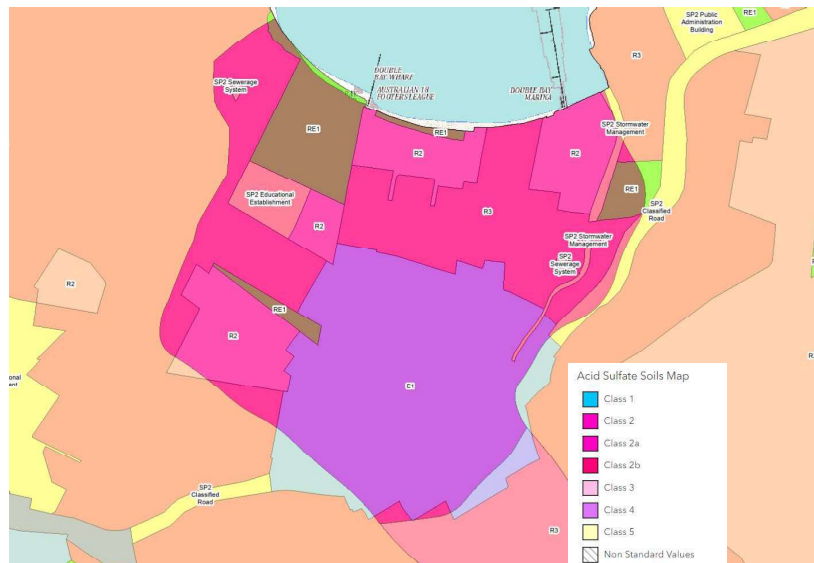
**Figure 3:** Double Bay existing land use zoning and heritage significance

**Acid sulfate soil**

The reforms do not exclude land with acid sulfate soils. This issue particularly affects Double Bay which has large areas classified as most likely to be affected by acid sulfate soils (Class 1 and Class 2), as shown in **Figure 4** below. These classifications require works below natural ground level or works where the water table is likely to be lowered to be assessed for potential hazards. In the LEP making process, planning authorities are required to assess planning proposals in accordance with *Section 9.1 Ministerial Direction - 4.1 acid sulfate soils - for planning proposals* that propose intensification of land uses for land that has a probability of containing acid sulfate soils.

If the relevant assessments have not been completed, then staff recommend that land with probability of acid sulfate soils should be excluded from the application of the non-refusal standards that increases in density in a certain area and may not be compatible with the relevant LEP clause.

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



**Figure 4:** Double Bay Acid Sulfate Soils Map

**Flood risk**

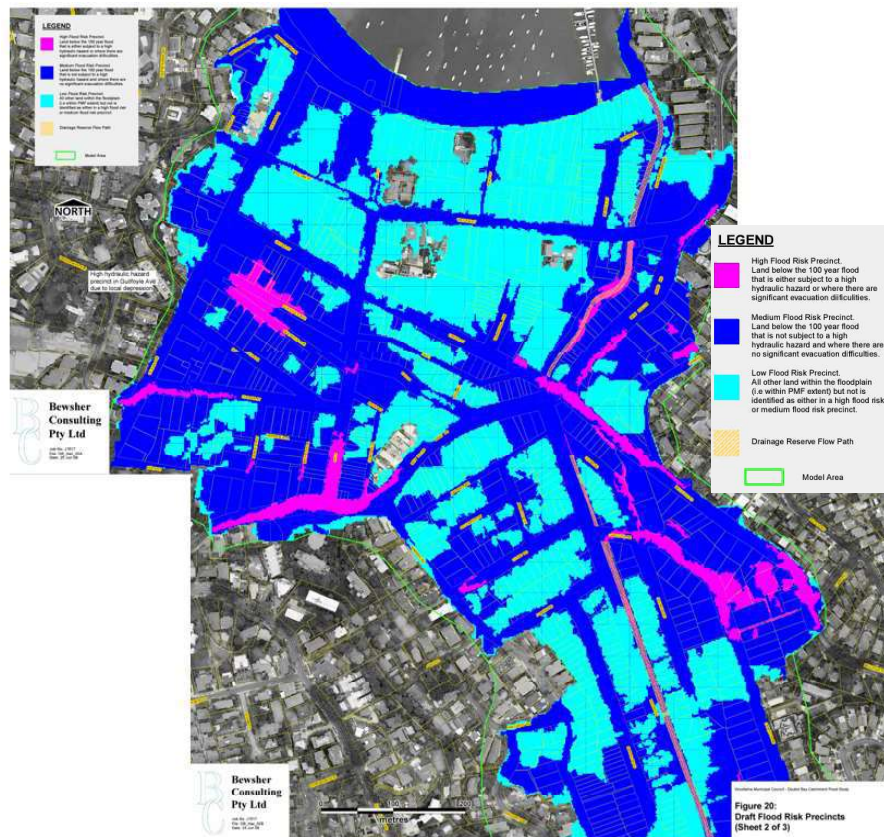
In 2008, Bewsher Consulting completed the *Woollahra Municipal Council - Double Bay Catchment Flood Study*, which revealed extensive medium to high flood risk across Double Bay, as shown in **Figure 5** below. In 2011, Bewsher Consulting completed the *Double Bay Catchment Floodplan Risk Management Study and Plan* to help inform best practices responses to flooding issues. It was recommended that any increase in density be informed by detailed testing.

The proposed reforms do not meet the requirements that would be needed to increase height and FSR controls under a planning proposal to consider whether the proposed development standards are commensurate with the level of flood risk. In line with the Department's 2021 Flood Prone Land Package, planning authorities are required to assess planning proposals in accordance with *Section 9.1 Ministerial Direction - 4.3 Flooding - for planning proposals* that create, remove or alter a zone or a provision that affects flood prone land.

As shown in **Figure 5** below, the proposed standards would cover a large area of Double Bay that is at flood risk. A specific study is required to assess the impact of the proposed standards on Double Bay in their entirety. This is a best practice approach, rather than applying uniform development controls and leaving the assessment of the suitability of those controls to development application stage.

If the relevant assessments have not been completed, staff recommend that flood prone land should be excluded as increases in density in a certain area may not be compatible with the relevant LEP clause.

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



**Figure 5:** Double Bay catchment flood risk mapping (Bewsher, 2008)

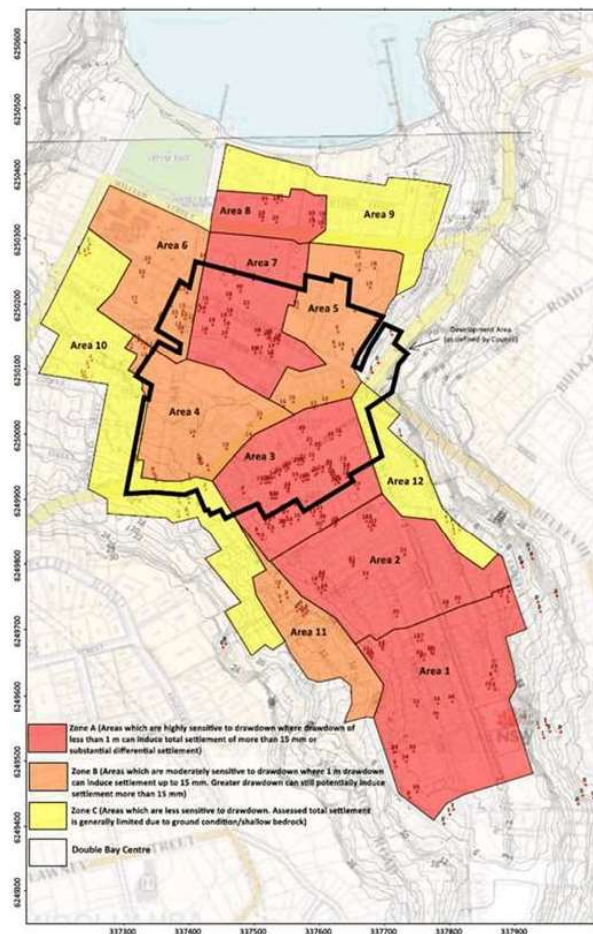
**Groundwater hydrology**

The reforms do not account for the issue of groundwater drawdown as a consequence of underground structures from increased development under the proposed controls. This is particularly relevant for Double Bay, which has a very high water table and complex hydrogeological conditions.

In **Figure 6**, Zone A is shown in red, being areas of high sensitivity to drawdown due to ground conditions. In these areas, higher settlement magnitude is more likely to occur and adversely impact adjoining properties. In Zone B (orange), sites are moderately sensitive and can be affected by drawdown due to a thicker compressible layer of soil located at a deeper strata. These issues require consideration in the implementation of new controls.



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



**Figure 6:** Settlement Zones in the Double Bay Catchment Area, as identified by GHD (Source: GHD report)

**Response to criteria in the form provided relating to service provision and infrastructure**

Again noting that staff have not had sufficient time to undertake a full assessment of service and infrastructure provision, we provide the following comments:

- **Water and sewerage infrastructure:** Edgedcliff was excluded from the Transit Oriented Development (TOD) reforms due to water and sewerage constraints, with little scope to increase these services. In reviewing what information we have, staff expect this issue to similarly affect Double Bay, which relies on the same infrastructure. Additional development will likely put further pressure on the Bondi Treatment Plant and mains that feed through the area. Staff have requested updated statistics from Sydney Water, however, due to the lack of sufficient time, we have not received a current servicing assessment for the area.



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



- **Electricity grid:** No information has been supplied to Council to demonstrate how the electricity grid could accommodate rapid population growth under the reforms. Staff are currently liaising with Ausgrid to determine exact capacity constraints. We recommend the implementation of the reforms is delayed to properly assess infrastructure capacity.
- **Road Infrastructure:** SCT Consulting (2024) found that the intersection of New South Head Road / Cross Street / Bellevue Head / Kiaora Road was already at capacity in peak periods (113m queues), and that of Knox Street / New South Head Road was over capacity. These are the two most critical signalised intersections in Double Bay, which impact on the performance of New South Head Road and local connecting streets. The additional housing capacity proposed would have an unacceptable impact on congestion at this points.
- **Schools:** Again, the issue of a new public high school is an immediate concern that needs to be addressed. The surrounding high schools are almost at capacity with the Rose Bay Secondary College at 96% capacity and the Inner Sydney High School at 93% capacity. Staff note these schools will also have to absorb demand generated from other LGAs as well. Primary schools in the area are also facing capacity constraints with Double Bay Primary School at 81% capacity and Rose Bay Primary School over capacity at 139%. There would clearly be insufficient educational facilities to meet the likely population growth.
- **Open Space:** The *Woollahra Recreation Strategy 2023* found the Woollahra LGA has a deficiency of open space, and from a planning perspective and few opportunities to increase the quantity. Double Bay only has Steyne Park near the main centre, and Lough Playing Fields which are further from where most housing under the reforms would be delivered. These would be insufficient for meeting the needs of an increased resident population.
- **Quality of bus services in town centre:** Bus Opal Assignment Model (BOAM) information, obtained from TfNSW (2023) and reported by SCT Consulting (2024) shows there are multiple bus services over capacity at peak times through the main state road, New South Head Road corridor of Double Bay.

**Conclusion and recommendations for Double Bay (Proposed Town Centre Precinct)**

For the reasons outlined above and in our previous submission, staff strongly recommend the proposed town centre precinct for Double Bay should be excluded due to existing densities, utility constraints, road infrastructure and bus service capacity constraints, flooding risk, acid sulfate soils and hydrological issues.

**Rose Bay (New South Head Road) (Town Centre Precinct)**

The Rose Bay centre is approximately 7.5km east of the Sydney CBD. The centre has two small supermarkets, being a Woolworths Metro under 1,300sqm GFA and an IGA under 500sqm GFA. The Rose Bay suburb itself is characterised by 77.5% medium and high density housing, as shown in **Table 3**.

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



| Suburb         | Low density | Medium density | High density |
|----------------|-------------|----------------|--------------|
| Rose Bay       | 20.6%       | 8.7%           | 68.8%        |
| Vaucluse       | 48.7%       | 8.4%           | 40.4%        |
| Woollahra LGA  | 22.3%       | 21%            | 55.6%        |
| Greater Sydney | 55.8%       | 12.8%          | 30.7%        |

**Table 3:** Dwelling structure by density in Rose Bay and surrounding suburbs comparison with Woollahra LGA and Greater Sydney

**Flood risk**

Significant flooding has occurred at a number of locations in Rose Bay during periods of heavy rainfall, and from ocean influences (tides, storm surge) most notably in November 1984 and other events in the 1970's and 1990's.

In 2010, WMA Water completed the *Rose Bay Catchment Flood Study* that revealed extensive medium to high flood issues across Rose Bay, as shown in **Figure 7** below. Then, in 2014, WMA Water completed the *Rose Bay Floodplain Risk Management Study and Plan* that evaluated the management options to address flooding issues. Like other studies undertaken, it recommended that any consideration of uplift be accompanied by specific studies in the flood risks associated.

The proposed reforms do not meet the requirements that would be needed to increase height and FSR controls under a planning proposal with the consideration of flood risk. In line with the Department's 2021 Flood Prone Land Package, planning authorities are required to assess planning proposals in accordance with *Section 9.1 Ministerial Direction - 4.3 Flooding - for planning proposals* that create, remove or alter a zone or a provision that affects flood prone land.

If the relevant assessments have not been completed, then staff recommend that flood prone land should be excluded as increases in density in a certain area may not be compatible with the relevant LEP clause.

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



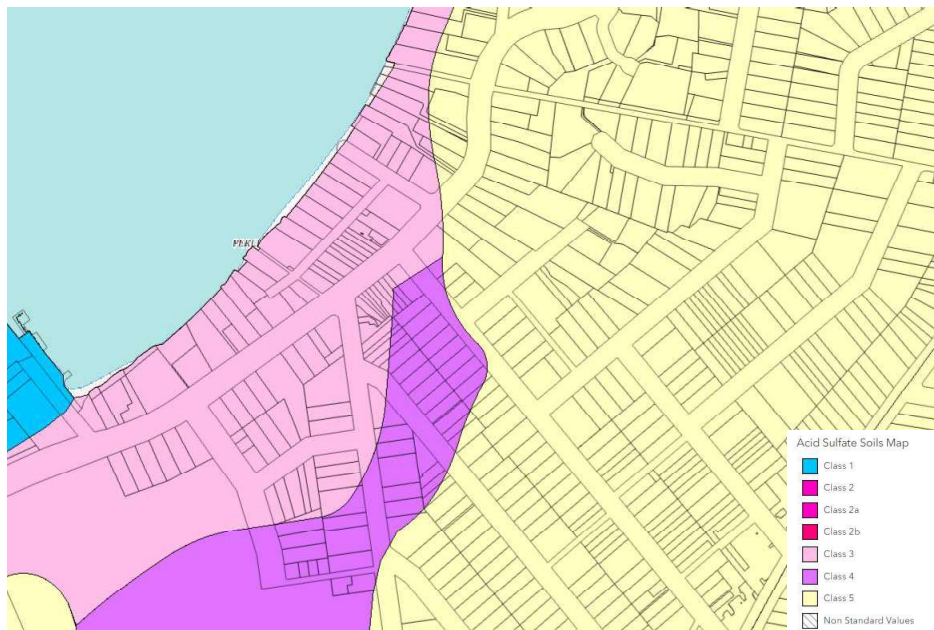
**Figure 7:** Rose Bay flood risk mapping (WMA Water, 2010))

**Acid sulfate soil**

The reforms do not exclude land with acid sulfate soils, which is shown to affect the Rose Bay centre (Classes 3 and 4) in **Figure 8** below. In the LEP making process, planning authorities are required to assess planning proposals in accordance with *Section 9.1 Ministerial Direction - 4.1 acid sulfate soils - for planning proposals* that propose intensification of land uses for land that has a probability of containing acid sulfate soils that are Class 1, 3 and 4.

If the relevant assessments have not been completed, then staff recommend that land with probability of acid sulfate soils should be excluded from the application of the non-refusal standards that increases in density in a certain area and may not be compatible with the relevant LEP clause.

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



**Figure 8:** Rose Bay (New South Head Road) Acid Sulfate Soils Map

**Groundwater hydrology**

The reforms do not account for the issue of groundwater drawdown as a consequence of underground structures from increased development under the proposed controls. In 2024, GHD's report, *Rose Bay – Hydrological and Geotechnical Impacts* identified complex hydrogeological and geotechnical issues in Rose Bay.

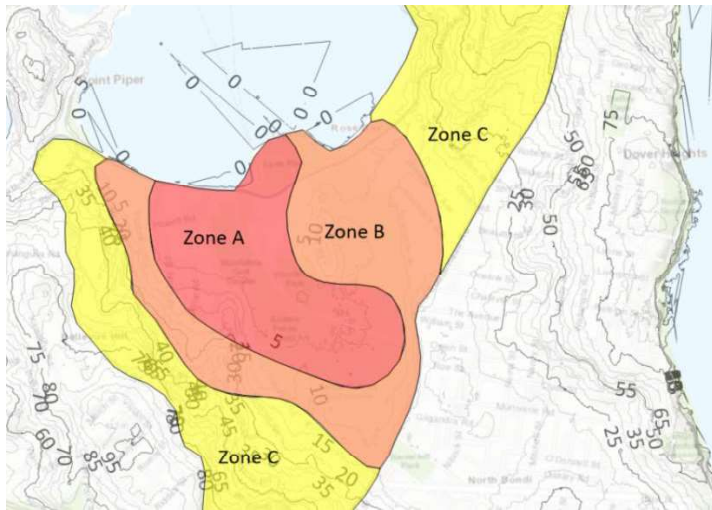
In **Figure 9**, Zone A is shown in red, being areas of high sensitivity to drawdown due to ground conditions. In these areas, higher settlement magnitude is more likely to occur and adversely impact adjoining properties. In Zone B (orange), sites are moderately sensitive and can be affected by drawdown due to a thicker compressible layer of soil located at a deeper strata. Like in Double Bay, these issues require consideration in the implementation of new controls.

Specific groundwater modelling would be required to assess the long-term impact that could be anticipated from increased density, particularly where there is a large increase in deep basements that block a significant portion of the flow path. The GHD report identified potential issues including rock fall and erosion hazards, construction induced vibrations causing settlement and building damage, and the dewatering process disturbing acid sulfate soils. A proper risk assessment and analysis of the development standards is required to ensure controls meet site specific constraints.

If the relevant assessments have not been completed, staff recommend that Rose Bay should be excluded from the application of the non-refusal standards. They may cause adverse impacts on adjacent properties and future issues in new developments.



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



**Figure 9:** Rose Bay (New South Head Road) settlement zones and their extent

**Response to criteria in the form provide relating to service provision and infrastructure**

Staff identify the following constraints relevant to Rose Bay (New South Head Road):

- **Water and sewerage infrastructure:** Edgcliff was excluded from the TODs due to water and sewerage constraints, with little scope to increase these services. This issue is similarly expected to affect Rose Bay, with additional development likely put further pressure on the Bondi Treatment Plant. Staff have requested updated statistics from Sydney Water, however, due to the lack of sufficient time, we have not received a servicing assessment for the area.
- **Electricity grid:** No information has been supplied to Council to demonstrate how the electricity grid could accommodate rapid population growth under the reforms. Staff are currently liaising with Ausgrid to determine exact capacity constraints. We recommend the implementation of the reforms is delayed to properly assess infrastructure capacity.
- **Road Infrastructure:** Transport consultancy TTW (2022) found the main intersection of the Rose Bay centre (Dover Road and New South Head Road), which provides access to most R3 Medium Density Residential land surrounding the centre, is over capacity. The TTW report found the intersection exhibits critical and significant capacity issues with 80m long queues at peak periods. Staff are also currently obtaining data for New South Head Road as a state road corridor, which suffers from extensive congestion during peak periods. This slows passenger cars and renders buses ineffective.
- **Quality of bus services in town centre:** As mentioned above, Rose Bay centre is situated on the state road, New South Head Road which suffers extensive congestion, which contributes to impacts on bus services. Staff are currently seeking to obtain data on bus services for this centre.
- **Schools:** The issue of public high schools is an immediate concern that needs to be addressed, with the Rose Bay Secondary College at 96% capacity. It is certain that the

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



reforms would send this over capacity, particularly as it has a large catchment outside our LGA. Similarly, the local public primary school is facing critical capacity constraints with Rose Bay Primary School over capacity at 139%.

- **Open Space:** The *Woollahra Recreation Strategy 2023* found the Woollahra LGA has a deficiency of open space. Rose Bay has Tingira Park and Lyne Park near the centre, which are already heavily utilised by local residents and schools. These would be insufficient for meeting the needs of an increased resident population
- **Level of service of town centre:** Staff conducted an extensive audit of every building in the centre and found the level of service is inconsistent with that of a high quality town centre. Rose Bay centre is a low order town centre or neighbourhood centre, which has limited services and amenities available, and little potential to expand the services available due to land and infrastructure constraints. For instance, the centre only has one bank and limited medical facilities for the size of the catchment it caters towards. The staff audit also found that it does not have one supermarket that meets the definition of full line (over 2,000sqm in GFA). There is only a Woolworths Metro supermarket under 1,300sqm, and an IGA under 500sqm GFA. These would fail to meet the needs of a growing population. Overall, the Rose Bay (New South Head Road) centre would fail to adequately meet the daily servicing needs required.

**Conclusion and recommendations for Rose Bay (New South Head Road) (Town Centre Precinct)**

For the reasons outlined above, staff strongly recommend the proposed town centre precinct for Rose Bay (New South Head Road) should be excluded due to existing densities, unknown infrastructure limitations such as water/sewerage and electricity, traffic congestion and bus service capacity constraints. The transport to and from this location is constrained, and the peninsula location means there are limited options to improve the situation. The proposed density also does not align with the desired future character of the centre.

The Department advised that this proposed precinct was included on the basis of its existing supermarkets. However, a staff audit of the centre has found there are only two small supermarkets, which are both well under the definition of a full line supermarket. Overall, the centre is a low order town centre that is geographically isolated on the eastern side of the Woollahra LGA. It does not have sufficient services and would fail to adequately meet the daily needs of new residents and provide convenient access to employment opportunities.

**Rose Bay North (Old South Head Road) (Town Centre Precinct)**

The Rose Bay North centre is approximately 9.5km east of the Sydney CBD, and exists as a small neighbourhood hub. The centre itself has one small supermarket being a Coles under 300sqm GFA, and limited services and amenities available. While there is a bus stop, there is no direct bus route to the Sydney CBD. The Rose Bay North centre sits on the state road, Old South Head Road. The Rose Bay suburb itself is characterised by 77.5% medium and high density housing.

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



**Response to criteria in the form provide relating to service provision and infrastructure**

Council staff have not had time to undertake a full detailed assessment given the limited timing to respond to the assessment criteria.

The following constraints exist relevant to Rose Bay North (Old South Head Road):

- **Quality of bus services in town centre:** The Rose Bay North centre is a neighbourhood centre on the state road, Old South Head Road that does not have a direct bus route to the Sydney CBD and relies on an interchange at Bondi Junction to another bus or train. The constrained nature of the centre, being located on the far eastern peninsula area, means there is limited scope to improve the bus servicing to this area.
- **Schools:** Again, the issue of public high schools is an immediate concern that needs to be addressed, with the Rose Bay Secondary College at 96% capacity. It is certain that the reforms would send this over capacity, particularly as it has a large catchment outside our LGA. Similarly, the local public primary school is facing critical capacity constraints with Rose Bay Primary School over capacity at 139%.
- **Open Space:** The *Woollahra Recreation Strategy 2023* found the Woollahra LGA has a deficiency of open space, and from a planning perspective, few opportunities to increase the quantity. This is particularly relevant to Rose Bay North, which does not have any parks near the proposed precinct. There are also no sites that could provide this in the future. Accordingly, there is a critical shortage of open space which should clearly justify the exclusion of this centre from the reforms.
- **Level of service of town centre:** Similar to Rose Bay Town Centre precinct (located on the state road, New South Head Road), staff conducted an extensive audit of every building in the centre. It found the level of service to be totally inconsistent with that envisaged for precincts under the reforms. Consistent with its geographic isolation from the main hubs of the LGA, it has a limited range of amenities and services. For example, it has no bank, no medical centre and very limited retail offerings with only 25 businesses in total. Included in this is one small supermarket (Coles), with a GFA of under 300sqm. It operates a neighbourhood grocery shop and is not intended to service a large population. The supermarket is well under the Department's definition of a full-line supermarket of over 2,000sqm GFA. Accordingly, this centre has the lowest service levels of any of the precincts and should be excluded.

**Conclusion and recommendations for Rose Bay North (Old South Head Road) (Town Centre Precinct)**

For the reasons outlined above, staff strongly recommend the proposed town centre precinct for Rose Bay North (Old South Head Road) should be excluded due to existing high density, infrastructure limitations, limited public transport and lack of amenity and services. The Department advised that this proposed precinct was included on the basis of an existing supermarket. However, staff research has found this is a small supermarket, well under the definition of a full line supermarket. Overall, the centre is not a high quality town centre and is a low order town centre that is geographically isolated on the eastern peninsula. The lack of shops, small-scale supermarket (not a full line supermarket), and insufficient services means this centre

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



would fail to adequately meet the daily needs of new residents and provide convenient access to employment opportunities.

**Bondi Junction and Bondi (Waverley Council) (Station and Town Centre Precinct)**

The Department has advised that Bondi Junction and Bondi are proposed as a station and/or town centre precincts for Waverley Council. The proposed Bondi Junction centre is on the border with the Woollahra LGA and would impact significantly on Woollahra and Bellevue Hill, particularly on the heritage significance of these areas. Similarly, the proposed Bondi precinct would impact on a low scale residential area in Bellevue Hill which is spatially separated from the area.

Staff strongly oppose the application of the non-refusal standards for these proposed station and town centre precincts for the reasons outlined in Waverley Council's response. The centres are spatially separated from our Council area, and the non-refusal standards would have unacceptable impacts on local character and heritage significance.

**Darlinghurst and Potts Point / Kings Cross / Rushcutters Bay (City of Sydney) (Station and Town Centre Precincts)**

The Department has advised that Darlinghurst and Potts Point / Kings Cross / Rushcutters Bay centres are proposed as a station and town centre precincts for City of Sydney. These centres border our LGA and would impact significantly on Paddington and Darling Point, particularly on the heritage significance of these areas.

For the reasons outlined above and in our previous submission, staff strongly oppose to the application of the non-refusal standards from the proposed station and town centre precincts at Darlinghurst and Potts Point / Kings Cross / Rushcutters Bay in the Woollahra LGA.

**Other feedback – Refinement Paper**

- **Heritage:** The refinement paper suggests that the following changes would remove the situation of a six storey mid-rise applying in 1-2 storey heritage context:
  - Not applying standards in employment zones (E1, E2, MU1, SP5 zones)
  - Collaborating with Councils to address concerns in the R1 General Residential zone

The above changes do not address the issue. We have demonstrated in our previous submission that this is problematic in the R3 Medium Density Residential and R2 Low Density Residential zones. We strongly advocate for the non-refusal standards to not apply to any land with heritage significance. This will remove ambiguity in the protection of these areas and support the planning controls in local environmental plans and development control plans that protect heritage significance.

- **Guidance level landscape provisions:** Although the Department's reforms refinement paper removes changes to the *Apartment Design Guide*, it proposes to implement guidance-level landscaping provisions through an alternative mechanism. These suggested provisions would still likely override Woollahra DCP 2015 controls and would result in decreases in both tree canopy cover and deep soil. This would be exacerbated by the 2.2:1 FSR control, which would still place additional pressure on building footprints when compared to our local standards. If the changes proceed, Council will be pressed to meet the *Woollahra Urban*



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



*Forest Strategy's* goal of 30% tree canopy cover by 2050. We will similarly struggle to achieve the NSW Government's ambitious 40% tree canopy target by 2036. Staff recommend that the 'guidance level' landscape provisions do not override local provisions.

- **Extent of proposed station and town centre precinct:** The refinement paper and advice from the Department is that employment zones would not be subject to the station and town centre precinct non-refusal standards. While we do not support the non-refusal standards, staff consider that not applying them to employment zoned land consisting of E1 Local Centre and MU1 Mixed Use in our LGA would be a preferable outcome.



## Allegra Spender MP

FEDERAL MEMBER FOR WENTWORTH

8<sup>th</sup> May, 2024  
Anne White  
Manager Strategic Planning & Place  
Woollahra Municipal Council  
536 New South Head Road  
Double Bay, NSW, 2028

**RE: Woollahra Council letter on NSW State Government housing reforms**

Dear Ms. White,

Thank you for your letter informing me about Woollahra Council's submission to the NSW State Government's consultation on *"Changes to create more low-and mid-rise housing"*.

I note that since your letter was sent, the first stage of planning reforms under the NSW Government's Transport Oriented Development (TOD) have now been finalised. These amend planning controls within 400m of 37 metro and rail stations, which do not include any stations in Woollahra.

As a member of federal parliament, my primary focus is on measures that the Commonwealth can take to address Australia's housing crisis. The need for urgent and significant action to address this crisis has been made clear to me by the feedback I have received from Wentworth residents, including as part of two public housing forums I held last year. The community clearly articulated to me the need to address housing supply, while retaining amenity and quality of life.

As you are aware, control and management of planning and housing development is the responsibility of state and local Governments. I acknowledge Woollahra Council's concerns about the NSW State Government's process, and the potential impacts of the proposed changes which you have outlined. I believe strongly in the importance of community consultation, and I welcome the Council engaging so closely with the NSW State Government, as well as the relevant member of the NSW State Parliament.

As the experts on state and local planning decisions, I believe the NSW State Government and the Council are best placed to determine the appropriate next steps in relation to the issues you have raised. My own focus will continue to be on steps that the federal government can take to address Australia's housing crisis.

Thank you again for writing to me, and I will continue to be available to meet with Woollahra Council on a regular basis to discuss local issues and concerns.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'AS'.

**Allegra Spender**  
Member for Wentworth

Suite 302, Level 3, 179-191 New South Head Road, Edgecliff NSW 2027  
P: 02 9327 3988 E: Allegra.Spender.MP@aph.gov.au

OFFICIAL

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



OFFICIAL



OFFICIAL

## 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.

Published by NSW Department of Planning, Housing and Infrastructure

[dphi.nsw.gov.au](https://dphi.nsw.gov.au)

Low- and Mid-Rise Housing Policy Refinement Paper

First published: April 2024

### Copyright and disclaimer

© State of New South Wales through the Department of Planning, Housing and Infrastructure 2024. Information in this publication is based on knowledge and understanding at the time of writing, April 2024, and is subject to change. For more information, please visit [nsw.gov.au/copyright](https://nsw.gov.au/copyright)

DPHI-MC-R-WC-V1.0

OFFICIAL

OFFICIAL

# Contents

**Introduction.....4**

1.1 Purpose of this paper.....4

1.2 Principles guiding the policy refinement.....4

1.3 Policy refinements will not reduce estimated dwellings.....4

**Policy refinement..... 5**

2.1 Summary of policy refinements.....5

2.2 Issue 1 – Unsuitable station and town centre precincts .....6

2.3 Issue 2 – Application of standards in employment zones and heritage areas.....9

2.4 Issue 3 – Flooding, Bushfire and other hazard risks.....14

2.5 Issue 4 – Other issues..... 16

**Council Engagement Approach ..... 21**

3.1 Workshop format ..... 21

3.2 Preparation for workshops and agenda..... 21

**Appendix A – R1 Zone Analysis..... 23**

OFFICIAL

OFFICIAL

# 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.

---

OFFICIAL



OFFICIAL

# 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

---

OFFICIAL

OFFICIAL

---

## 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

---

OFFICIAL



OFFICIAL

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.

OFFICIAL

OFFICIAL

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.

OFFICIAL

OFFICIAL

---

## 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.

---

OFFICIAL

OFFICIAL

### 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.

OFFICIAL



OFFICIAL

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)

OFFICIAL



OFFICIAL

### 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.

OFFICIAL

OFFICIAL

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.

OFFICIAL

OFFICIAL

---

## 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.

---

OFFICIAL

OFFICIAL

#### 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.

---

OFFICIAL

OFFICIAL

---

## 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.

---

OFFICIAL



OFFICIAL

- 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.

OFFICIAL

OFFICIAL

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

OFFICIAL

OFFICIAL

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

OFFICIAL

OFFICIAL

### 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.

OFFICIAL

OFFICIAL

# 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.

---

OFFICIAL



OFFICIAL

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

---

OFFICIAL

OFFICIAL

## 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                 |

OFFICIAL

OFFICIAL

| 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<br>Mode = 8.5m<br>Median = 9.5m | Average = 0.82:1<br>Mode = 0.5:1<br>Median = 0.6:1 |

OFFICIAL

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 that 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



## Woollahra – Station and Town Centre selections form

| Station and Centre Precincts | Location and description             | Council Response: Include? | Council Response: If no, please provide key reasons?  |
|------------------------------|--------------------------------------|----------------------------|---|
| <b>Town centre precincts</b> | Double Bay Town Centre               | Yes / No                   | <ul style="list-style-type: none"> <li>If no, provide reasons having consideration for the assessment criteria</li> </ul> |
|                              | Edgecliff Shopping Centre            | Yes / No                   | <ul style="list-style-type: none"> <li>If no, provide reasons having consideration for the assessment criteria</li> </ul> |
|                              | Rose Bay North (Old South Head Road) | Yes / No                   | <ul style="list-style-type: none"> <li>If no, provide reasons having consideration for the assessment criteria</li> </ul> |
|                              | Rose Bay (New South Head Road)       | Yes / No                   | <ul style="list-style-type: none"> <li>If no, provide reasons having consideration for the assessment criteria</li> </ul> |
| <b>Stations precincts</b>    | Edgecliff Station                    | Yes / No                   | <ul style="list-style-type: none"> <li>If no, provide reasons having consideration for the assessment criteria</li> </ul> |