

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE ARTS

INQUIRY INTO CURRENT AND FUTURE PUBLIC TRANSPORT NEEDS IN WESTERN SYDNEY

Supplementary questions: Cumberland Council

Response:

Council is aware of the NSW Government's proposals to create low and mid-rise housing and the Transport Oriented Development SEPP. Officers from the NSW Department of Planning, Housing and Infrastructure have met with Council in January and February 2024 regarding the Transport Oriented Development SEPP. Council also held community information sessions on 27 February 2024 on the Transport Oriented Development SEPP to outline the proposed changes and provide a response to questions from the community. The position of Council on these proposals are included in the Council papers and minutes of 6 December 2023 and 6 March 2024.

Item No: C03/24-474

DRAFT SUBMISSION - NSW GOVERNMENT'S TRANSPORT ORIENTED DEVELOPMENT PROGRAM

Directorate: Environment and Planning
Responsible Officer: Director Environment & Planning
Community Strategic Plan Goal: *Enhancing the Natural and Built Environment*

SUMMARY

The NSW Government is seeking to locate new and higher density homes within existing urban 'infill' areas to ensure new housing is located close to existing infrastructure, services and transport. Two policy proposals have been announced in this area: Low and Mid Rise Housing; and Transport Oriented Development Program.

A draft submission has been prepared by Council officers in relation to the Transport Oriented Development Program. It is recommended that Council endorse the draft submission to the Department of Planning, Housing and Infrastructure regarding the NSW Government's Transport Oriented Development Program.

RECOMMENDATION

That Council:

- 1. Endorse the draft submission to the Department of Planning, Housing and Infrastructure regarding the NSW Government's Transport Oriented Development Program, as provided in Attachment 1; and**
- 2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.**

REPORT

Background

All States and Territories have signed the National Housing Accord, along with The Australian Local Government Association. The Housing Accord was an initiative to address housing supply and affordability nationally. In line with its relative population share of the National Accord target, NSW has committed to deliver at least 314,000 new homes by 2029, with a stretch goal of 377,000 homes.

The NSW Government is seeking to locate new and higher density homes within existing urban 'infill' areas to ensure new housing is located close to existing infrastructure, services and transport. Two policy proposals have been announced in this area:

- **Low and Mid Rise Housing:** this proposal seeks to allow for more development on existing low and medium density sites. Based on the proposal in relation to

the Cumberland LEP, the proposal would allow for the inclusion of multi-dwelling housing in the R2 Low Density Residential Zone and residential flat buildings in the R3 Medium Density Residential Zone.

- **Transport Oriented Development Program:** this proposal seeks to increase housing by allowing development up to 6 storeys to be located within 400m of train stations in areas currently zoned for low and medium density development. Berala and Lidcombe have been identified as two locations under this proposal.

Council's strategic planning work through Cumberland 2030: Our Local Strategic Planning Statement and Cumberland Local Housing Strategy, which have both been endorsed by the NSW Government, encourages diversity in housing supply and the provision of more housing that is aligned with infrastructure provision. Specifically, the Cumberland Local Housing Strategy identifies the need for an additional 28,000 dwellings between 2016-2036, with over 24,000 of these additional dwellings able to be provided through current planning controls, and the remaining additional dwellings being considered through existing strategic planning work at key centres and corridors.

Council has also reviewed its planning controls in the last term of Council, which led to the gazettal of the Cumberland Local Environmental Plan (LEP) in November 2021. The planning work undertaken at the time considered ways to promote housing diversity and density in residential zones.

In relation to the Low and Mid Rise Housing proposal, an Explanation of Intended Effects was publicly exhibited between December 2023 and February 2024, with a Council officer submission provided to the Department of Planning, Housing and Infrastructure. The response was based on Council's previously resolved position that the proposal is not required as Council can achieve its housing targets.

In relation to the Transport Oriented Development Program, two locations are identified in Cumberland under the program – Berala and Lidcombe. The potential area under consideration for these locations are shown in Figures 1 and 2. This report provides details of a draft submission for consideration by Council.

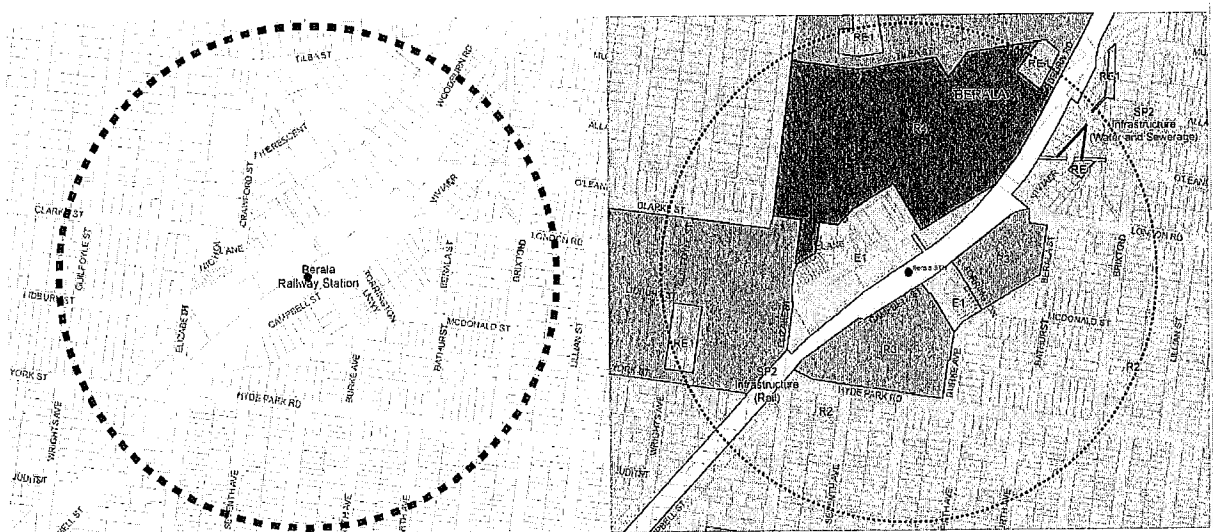


Figure 1: Proposed Area in Berala under the NSW Government's Transport Oriented Development Program

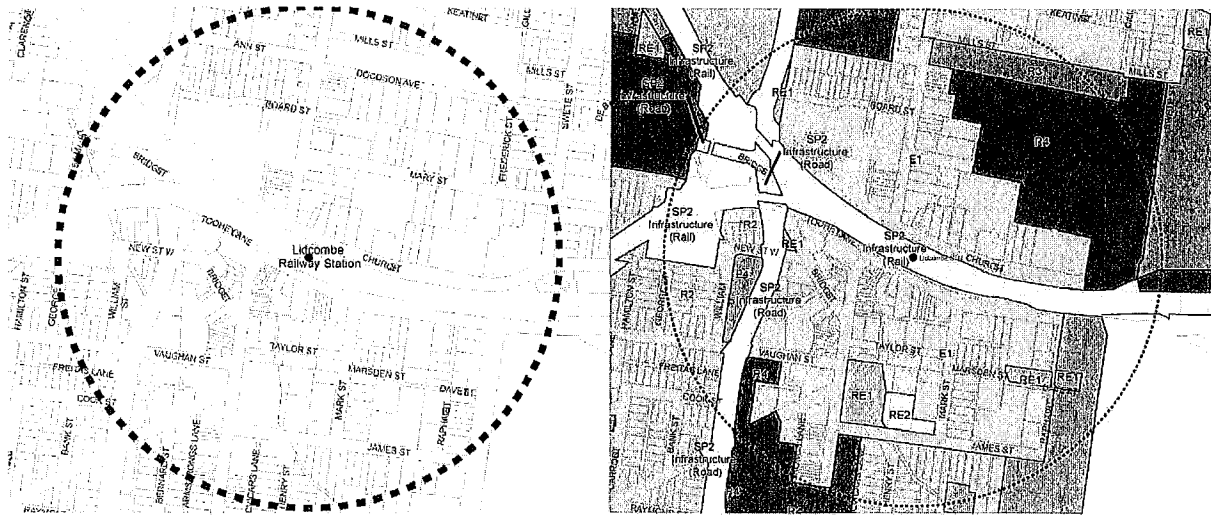


Figure 2: Proposed Area in Lidcombe under the NSW Government's Transport Oriented Development Program

Draft Submission

Council officers have reviewed the details provided under the Transport Oriented Development Program. Council officers believe that the urgency to include Berala and Lidcombe under the Transport Oriented Development Program is premature, as insufficient work or collaboration with Council has been undertaken to understand impacts, identify appropriate mitigation measures, and ensure there is alignment with additional dwellings and growth infrastructure.

In response to the Program, a draft submission has been prepared for consideration by Council, as provided in Attachment 1 and as summarised in Table 1.

Issue	Council's Response
Impacts not adequately assessed or investigated	<p>The information provided by the NSW Government does not provide sufficient details on the assessment or investigation of impacts associated with the provision of additional dwellings at Berala and Lidcombe.</p> <p>When a masterplan or planning proposal for future development is undertaken by Councils and the NSW Department of Planning, Housing and Infrastructure, a number of technical studies are undertaken to identify and assess any potential impacts and how these impacts can be mitigated. These studies are also provided for community and stakeholder engagement to ensure that all relevant information is collated and allows for the appropriate consideration of any refinements to the masterplan or planning proposal.</p> <p>As this work has not been undertaken at Berala and Lidcombe, Council believes it is premature to progress with the Transport Oriented Development Program at these locations.</p>

Issue	Council's Response
Infrastructure capacity	<p>The information provided under the Transport Oriented Development Program indicates that Berala and Lidcombe were selected in part due to sufficient capacity being available with existing infrastructure in these locations, such as water, power and public transport.</p> <p>Council has significant concerns that a full analysis of growth infrastructure requirements was not undertaken as part of the Transport Oriented Development Program. Work previously undertaken by Council, as well as community feedback over many years, indicates that the following gaps are already occurring in relation to growth infrastructure:</p> <ul style="list-style-type: none"> • Local and regional roads: there are existing capacity constraints on the local road network as it approaches the regional road network (i.e. A6 road), particularly during commuter peak periods. This will be exacerbated should further additional growth occur at Berala and Lidcombe without an appropriate infrastructure response. • Public transport: there is a need to confirm the timing of the new train timetable, which will provide a direct City service from Berala and Lidcombe. Bus services in these locations also have low frequencies outside of peak periods, and need to be enhanced to allow residents, workers and visitors greater transport choices both now and in the future. • Schools: previous analysis by Council has indicated capacity constraints at public primary schools at Berala and Lidcombe. No additional infrastructure improvements and/or new schools have been committed to support population growth in these locations. • Open space and recreation: there is limited open space at Berala and Lidcombe. While Council has undertaken planning work to enhance these open space and recreation facilities, no additional funding commitments have been made to Council to ensure that these spaces can accommodate current and future population growth. • Community facilities: there are existing community centres at Berala and Lidcombe, as well as a library at Lidcombe and a planned library vending machine at Berala. Additional funding commitments to Council are required to ensure that these facilities can accommodate current and future population growth. <p>As this work has not been undertaken at Berala and Lidcombe, Council believes it is premature to progress with the Transport Oriented Development Program at these locations.</p>

Issue	Council's Response
Loss of character of suburbs	<p>The proposed development of apartments up to 6 storeys will lead to a loss of character in suburbs where low density development is currently in place. Berala currently has a significant proportion of low density development within 400m of the station.</p> <p>As there is a lack of studies at this time that identify ways in retaining character in locations under the Transport Oriented Development Program, it is premature to progress with the Program at Berala and Lidcombe.</p>
Poor amenity outcomes	<p>The lack of studies and lack of detail on the proposed planning controls as part of the Transport Oriented Development Program means that there is no information on how amenity issues can be appropriately addressed at a local level. This means that there is a significant risk that poor amenity outcomes are likely to occur as a result of the Program. These risks include:</p> <ul style="list-style-type: none"> • Loss of privacy, with a larger proportion of apartments in an area that is typically a lower density area. • Increased overshadowing between apartments and houses, as the delivery of additional dwellings is based on market forces. • Loss of tree canopy, as established trees are removed and unable to be replaced due to a lower proportion of landscaped area in properties where apartments are delivered. • Loss of private open space, as new apartments will provide a smaller proportion of private open space when compared to houses with backyards. <p>As this work has not been undertaken at Berala and Lidcombe, it is premature to progress with the Transport Oriented Development Program at these locations.</p>

Issue	Council's Response
Council has created capacity for growth through the Cumberland Local Environmental Plan	<p>Council has already created capacity for growth through the Cumberland Local Environmental Plan (and its predecessor Local Environmental Plans) in recent years. There are a number of locations across Cumberland where there has been changes to planning controls; however, development has yet to occur. In relation to the proposed inclusion of Berala and Lidcombe under the NSW Government's Transport Oriented Development Program, the following comments are provided for consideration by the Department of Planning, Housing and Infrastructure:</p> <ul style="list-style-type: none"> • Berala: while Council has concerns at this time with the inclusion of this location, should the NSW Government decide to proceed with the proposal, it is suggested that a more targeted area be identified. The proposed area is the existing R3 Medium Density Residential land to the south and east of Berala station, as shown in Figure 1. • Lidcombe: as most of the area within 400m of Lidcombe station is already zoned for mixed use development and residential flat buildings, it is suggested that no further action is undertaken on Lidcombe as part of the NSW Government's Transport Oriented Development Program. <p>As an alternative to the current locations identified in the NSW Government's Transport Oriented Development Program for Cumberland LGA, it is proposed that the Woodville Road Corridor and Westmead South precinct be progressed as locations for additional housing instead of Berala and Lidcombe. Council is well advanced in strategic planning work for the Woodville Road Corridor and Westmead South precinct, which will provide capacity for additional dwellings and jobs, supported with a plan for growth infrastructure and early community engagement already undertaken.</p>
Proposed planning controls	<p>The submission also provides feedback on proposed planning controls for Berala and Lidcombe should the Transport Oriented Development Program proceed at these locations. These relate to building height, floor space ratios, lot size, lot width, parking rates, amenity and design controls, and provision for affordable housing.</p>

Table 1: Summary of Draft Submission

It is recommended that Council endorse the draft submission to the Department of Planning, Housing and Infrastructure regarding the NSW Government's Transport Oriented Development Program.

COMMUNITY ENGAGEMENT

In response to the details outlined in the Transport Oriented Development Program, Council officers arranged for two community information sessions on 27 February 2024, with one session at Lidcombe and the other session at Berala. The purpose of the sessions was to provide an opportunity for the community to hear from Council on our understanding of the NSW Government's Transport Oriented Development

Program. Attendees were also able to ask questions to Council representatives. Over 90 people registered for these sessions.

POLICY IMPLICATIONS

Policy implications for Council are outlined in the main body of this report.

RISK IMPLICATIONS

There are no risk implications for Council associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this report.

CONCLUSION

This report provides a draft submission in response to the NSW Government's Transport Oriented Development Program. It is recommended that Council endorse the draft submission and forwarded to the Department of Planning, Housing and Infrastructure.

ATTACHMENTS

1. Draft Submission [↓](#)
2. Transport Oriented Development Program [↓](#)
3. Community Information Session Presentation [↓](#)
4. Engagement Report [↓](#)
5. Explanation of Intended Effects - Low and Mid Rise Housing [↓](#)



CUMBERLAND
CITY COUNCIL

March 2024

Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Our Reference CS-206
Contact Daniel Cavallo
Telephone (02) 8757 9850

**CUMBERLAND CITY COUNCIL SUBMISSION ON THE NSW GOVERNMENT'S
TRANSPORT ORIENTED DEVELOPMENT PROGRAM**

I am writing in regard to the NSW Government's Transport Oriented Development Program, with reference to the proposal in relation to Berala and Lidcombe which are in the Cumberland Local Government Area (LGA). This submission is based on an endorsed Council position at its meeting of 6 March 2024.

Cumberland LGA is a key part of the Central River City, with the population set to increase from 236,000 residents to over 300,000 residents by 2036. We understand the need for more and diverse housing that is aligned with infrastructure provision, and continue to work with all levels of government, the community and industry to support this outcome.

The Cumberland Local Housing Strategy, which has been endorsed by the NSW Government, identifies the need for an additional 28,000 dwellings between 2016-2036, with over 24,000 of these additional dwellings able to provide through current planning controls, and the remaining additional dwellings being considered through strategic planning work at key centres and corridors. It is also noted that the development feasibility of housing will influence delivery rates in Cumberland, with feasibility thresholds varying across Greater Sydney.

Council is well advanced in delivering on its housing targets. The best people to ensure these targets are delivered are Councils and this will be done with the adopted framework of Council, such as Cumberland LEP and Cumberland DCP. The NSW State Government should seek to work collaboratively with Councils to ensure that the existing planning frameworks are protected and to ensure that the local communities receive the appropriate social and recreational infrastructure it needs to deliver successful housing outcomes for the communities that Council serves.

Council believes that the urgency to include Berala and Lidcombe under the Transport Oriented Development Program is premature, as insufficient work or collaboration with Council has been undertaken to understand impacts, identify appropriate mitigation measures, and ensure there is alignment with additional dwellings and growth infrastructure. Further specific comments are also attached to this letter.

Council trusts this information is of assistance. If you require any further information, please contact Council's Director Environment and Planning, Daniel Cavallo on 8757 9850.

Yours faithfully

Peter J Fitzgerald
GENERAL MANAGER

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Welcome *Belong* Succeed

ATTACHMENT A**CUMBERLAND CITY COUNCIL SUBMISSION ON THE NSW GOVERNMENT'S
TRANSPORT ORIENTED DEVELOPMENT PROGRAM**

Cumberland LGA is a key part of the Central River City, with the population set to increase from 236,000 residents to over 300,000 residents by 2036. We understand the need for more and diverse housing that is aligned with infrastructure provision, and continue to work with all levels of government, the community and industry to support this outcome.

Council has prepared Cumberland 2030: Our Local Strategic Planning Statement and the Cumberland Local Housing Strategy, both of which have been endorsed by the NSW Government. The Cumberland Local Housing Strategy identifies the need for an additional 28,000 dwellings between 2016-2036, with over 24,000 of these additional dwellings able to provide through current planning controls, and the remaining additional dwellings being considered through strategic planning work at key centres and corridors. It is also noted that the development feasibility of housing will influence delivery rates in Cumberland, with feasibility thresholds varying across Greater Sydney.

The NSW Government's Transport Oriented Development Program seeks to increase housing by allowing development up to 6 storeys to be located within 400m of these train stations in areas currently zoned for low and medium density development. Berala and Lidcombe have been identified as locations for the NSW Government's Transport Oriented Development Program. The proposed areas for Berala and Lidcombe under the NSW Government's Transport Oriented Development Program are shown in Figures 1 and 2.

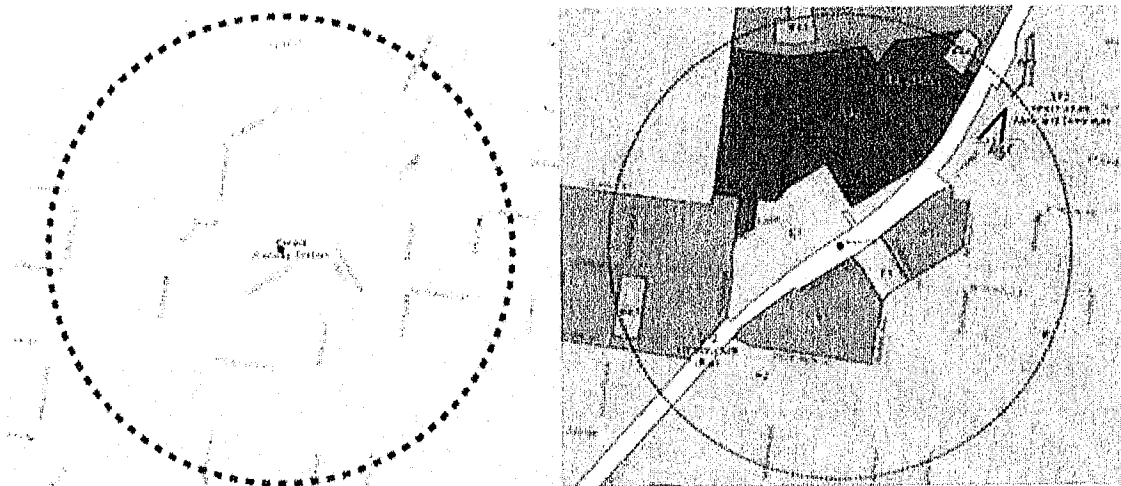


Figure 1: Proposed Area in Berala under the Transport Oriented Development Program

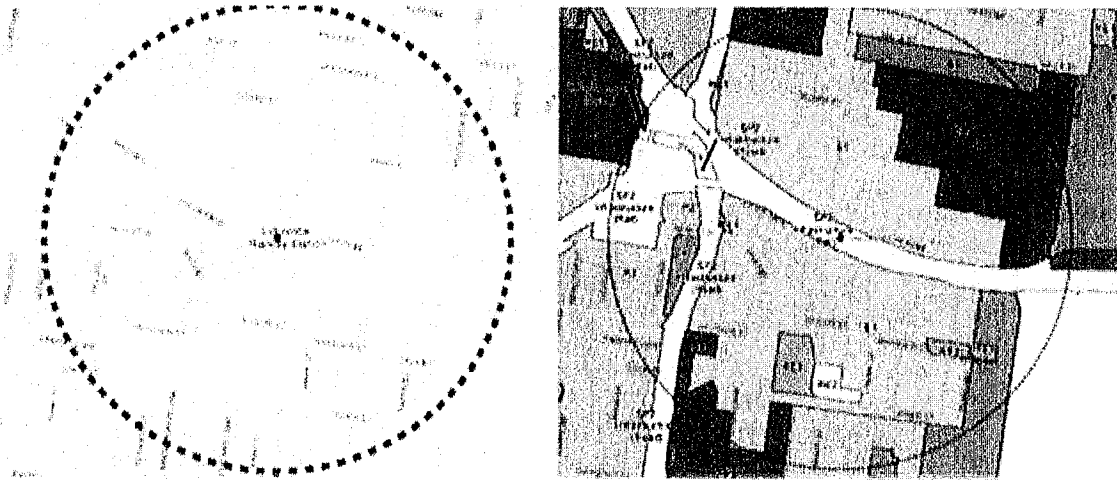


Figure 2: Proposed Area in Lidcombe under the Transport Oriented Development Program

Council has reviewed the limited information provided on the NSW Government's Transport Oriented Development Program, with reference to the proposed inclusion of Berala and Lidcombe. Council believes that the urgency to commence the Program in April 2024 and the inclusion of Berala and Lidcombe is premature, as insufficient work or collaboration with Council has been undertaken to understand impacts, identify appropriate mitigation measures, and ensure there is alignment with additional dwellings and growth infrastructure. Further details are provided below.

Impacts not adequately assessed or investigated

The information provided by the NSW Government does not provide sufficient details on the assessment or investigation of impacts associated with the provision of additional dwellings at Berala and Lidcombe. Council understands that a desktop analysis has been undertaken and consideration of potential locations under the Transport Oriented Development Program have been made by State agencies; however, this information has not been released.

When a masterplan or planning proposal for future development is undertaken by Councils and the NSW Department of Planning, Housing and Infrastructure, a number of technical studies are undertaken to identify and assess any potential impacts and how these impacts can be mitigated. These studies are also provided for community and stakeholder engagement to ensure that all relevant information is collated and allows for the appropriate consideration of any refinements to the masterplan or planning proposal.

As this work has not been undertaken at Berala and Lidcombe, Council believes it is premature to progress with the Transport Oriented Development Program at these locations.

Infrastructure capacity

The information provided under the Transport Oriented Development Program indicates that Berala and Lidcombe were selected in part due to sufficient capacity being available with existing infrastructure in these locations, such as water, power and public transport.

Council has significant concerns that a full analysis of growth infrastructure requirements was not undertaken as part of the Transport Oriented Development Program. Work previously undertaken by Council, as well as community feedback over many years, indicates that the following gaps are already occurring in relation to growth infrastructure:

- Local and regional roads: there are existing capacity constraints on the local road network as it approaches the regional road network (ie. A6 road), particularly during commuter peak periods. This will be exacerbated should further additional growth occur at Berala and Lidcombe without an appropriate infrastructure response.
- Public transport: there is a need to confirm the timing of the new train timetable, which will provide a direct City service from Berala and Lidcombe. Bus services in these locations also have low frequencies outside of peak periods, and need to be enhanced to allow residents, workers and visitors greater transport choices both now and in the future.
- Schools: previous analysis by Council has indicated capacity constraints at public primary schools at Berala and Lidcombe. No additional infrastructure improvements and/or new schools have been committed to support population growth in these locations.
- Open space and recreation: there is limited open space at Berala and Lidcombe. While Council has undertaken planning work to enhance these open space and recreation facilities, no additional funding commitments have been made to Council to ensure that these spaces can accommodate current and future population growth.
- Community facilities: there are existing community centres at Berala and Lidcombe, as well as a library at Lidcombe and a planned library vending machine at Berala. Additional funding commitments to Council are required to ensure that these facilities can accommodate current and future population growth.

As this work has not been undertaken at Berala and Lidcombe, Council believes it is premature to progress with the Transport Oriented Development Program at these locations.

It is also noted by Council that references have been made to the Housing and Productivity Contribution as a funding source for potential growth infrastructure. At this stage, Council has not been provided any specific details on the allocation of these funds by the Department of Planning, Housing and infrastructure. It is imperative that Cumberland Council is provided with a guaranteed funding allocation under the Housing and Productivity Contribution to enable regionally significant transport and open space growth infrastructure to be delivered in the area.

Loss of character of suburbs

The proposed development of apartments up to 6 storeys will lead to a loss of character in suburbs where low density development is currently in place. Berala currently has a significant proportion of low density development within 400m of the station.

As there is a lack of studies at this time that identify ways in retaining character in locations under the Transport Oriented Development Program, Council believes it is premature to progress with the Program at Berala and Lidcombe.

Poor amenity outcomes

The lack of studies and lack of detail on the proposed planning controls as part of the Transport Oriented Development Program means that there is no information on how amenity issues can be appropriately addressed at a local level. This means that there is a significant risk that poor amenity outcomes are likely to occur as a result of the Program. These risks include:

- Loss of privacy, with a larger proportion of apartments in an area that is typically a lower density area.
- Increased overshadowing between apartments and houses, as the delivery of additional dwellings is based on market forces.
- Loss of tree canopy, as established trees are removed and unable to be replaced due to a lower proportion of landscaped area in properties where apartments are delivered.
- Loss of private open space, as new apartments will provide a smaller proportion of private open space when compared to houses with backyards.

As this work has not been undertaken at Berala and Lidcombe, Council believes it is premature to progress with the Transport Oriented Development Program at these locations.

Council has created capacity for growth through the Cumberland Local Environmental Plan

Council has already created capacity for growth through the Cumberland Local Environmental Plan (and its predecessor Local Environmental Plans) in recent years. There are a number of locations across Cumberland where there has been changes to planning controls; however, development has yet to occur. These include:

- Auburn Town Centre: various sites have been rezoned over the past ten years, with development only progressing on consolidated sites to date.
- Lidcombe Town Centre: potential for an additional 430 dwellings on various sites gazetted in 2021, with no development to date.
- Merrylands Town Centre: potential for an additional 3,300 dwellings on various sites gazetted in 2017 and 2019, with development only progressing on consolidated sites to date.
- Former John Cootes site, Merrylands: development application approved for a mixed use development, including 400 apartments. Construction yet to proceed.
- Wentworthville Town Centre: potential for an additional 1,800 dwellings on various sites gazetted in 2020, with no development to date.
- Wentworthville Mall site: development application approved for a mixed use development, including 500 apartments. Construction yet to proceed.
- Former Bonds site, Pendle Hill: potential for an additional 1,400 dwellings on site gazetted in 2017, with no development to date.

In relation to the proposed inclusion of Berala and Lidcombe under the NSW Government's Transport Oriented Development Program, the following comments are provided for consideration by the Department of Planning, Housing and Infrastructure:

- Berala: while Council has concerns at this time with the inclusion of this location, should the NSW Government decide to proceed with the proposal, it is suggested that a more targeted area be identified. The proposed area is the existing R3 Medium Density Residential land to the south and east of Berala station, as shown in Figure 1.
- Lidcombe: as most of the area within 400m of Lidcombe station is already zoned for mixed use development and residential flat buildings, it is suggested that no further action is undertaken on Lidcombe as part of the NSW Government's Transport Oriented Development Program.

As an alternative to the current locations identified in the NSW Government's Transport Oriented Development Program for Cumberland LGA, it is proposed that the Woodville Road Corridor and Westmead South precinct be progressed as locations for additional housing instead of Berala and Lidcombe. Council is well advanced in strategic planning work for the Woodville Road Corridor and Westmead South precinct, which will provide capacity for additional dwellings and jobs, supported with a plan for growth infrastructure and early community engagement already undertaken. It is intended that these proposals will be separately presented to Council for consideration in the first half of this year.

ATTACHMENT B

**FEEDBACK ON PLANNING CONTROLS UNDER THE NSW GOVERNMENT'S
TRANSPORT ORIENTED DEVELOPMENT PROGRAM**

As part of targeted consultation on the NSW Government's Transport Oriented Development Program, the Department of Planning, Housing and Infrastructure is seeking feedback from Council on the proposed planning controls to apply within 400m of Berala and Lidcombe stations. A response to the proposed planning controls is provided in the table below.

Item	Feedback for Berala and Lidcombe
To permit shop-top housing in mixed use zoned areas (MU1)	Not applicable for Berala and Lidcombe
Building height limit of 21 m Floor space ratio of 3:1	<p>These controls could facilitate residential flat building development up to six storeys; however, additional controls are also proposed below to ensure amenity impacts can be addressed. It is likely that these controls will result in low, box style residential flat buildings rather than tall, slender residential flat buildings.</p> <p>It is noted that the delivery rates of these additional dwellings at Berala and Lidcombe would be subject to development feasibility in these locations.</p>
No minimum lot size or lot width	Not supported. To ensure that amenity impacts can be adequately addressed and to reflect typical lot sizes in Berala and Lidcombe, it is recommended that a minimum lot size of 900 square metres and a minimum lot width of 24 metres be applied.
Minimum active street frontage controls (in E1 and E2 zones only)	Rely on existing controls under the Cumberland DCP.
Maximum parking rates	As the provision of suitable parking for larger household sizes is an important issue in Cumberland, it is recommended that car parking rates in the Cumberland DCP apply.
Amenity and design controls (building separations, setbacks, vehicle access, visual privacy and communal open space)	Rely on the Apartment Design Guide to ensure a consistent approach to development across Cumberland.
Affordable housing contributions schemes	Council supports the provision of affordable housing. This can be facilitated as a scheme where contributions are received or through dedication of affordable housing through development applications.

Transport Oriented Development Program



Transport Oriented Development (TOD) Program

The Transport Oriented Development (TOD) program will deliver much needed housing around 39 transport hubs. Housing at these locations will benefit from an assessment pathway to create faster approvals. The program will deliver state-led rezonings within 1,200 metres of 8 priority transport hubs and we are also introducing a new SEPP to increase the capacity for more mid-rise housing and mixed-use development within 400 metres of 31 other well-located transport hubs and town centres.

Housing is the NSW Government's top priority. We need to work together to address the housing crisis. The Transport Oriented Development (TOD) Program is part of the NSW Government's plan to create more well-located homes close to transport, jobs and services.

There are two parts to the TOD program:

Part 1 of the program will focus on 8 accelerated precincts to create infrastructure and capacity for 47,800 new homes over 15 years.

Land within 1,200 metres of 8 rail and metro stations will be rezoned by the NSW Government to allow for more new and affordable homes. These 8 stations are:

Bankstown, Bays West, Bella Vista, Crows Nest, Homebush Hornsby, Kellyville and Macquarie Park.

Part 2 of the program will focus on precincts that have existing infrastructure and are located within 400 metres of 31 stations to create capacity for 138,000 new homes over 15 years.

New planning controls, delivered through a new State Environment Planning Policy (SEPP) will enable faster delivery of more housing close to jobs and amenity. These 31 locations are:

Adamstown station, Ashfield station, Banksia station, Berala station, Booragul station, Canterbury metro station, Corrimal station, Croydon station, Dapto station, Dulwich Hill station, Gordon station, Gosford station, Hamilton station, Killara station, Kogarah station, Kotara station, Lidcombe station, Lindfield station, Marrickville station, Morisset station, Newcastle Interchange, North Strathfield metro station, North Wollongong station, Rockdale station, Roseville station, St Marys metro station, Teralba station, Tuggerah station, Turrella station, Wiley Park metro station and Wyong station.

Why are we proposing these changes?

Housing our State is the NSW Government's top priority.

The NSW Government is committed to delivering more high quality, well-located homes near transport, community services and open spaces.

Putting homes near planned and existing public transport will help to improve the development pattern of our cities by reducing urban sprawl. This means that more people will be able to live within walking distance of supermarkets, restaurants and open space and be near good public transport to get them where they need to go.

This is a well-understood model of urban growth that is commonly referred to as 'transport-oriented development', and it has been a key feature of strategic planning in NSW and around the world for many years.

What does this mean for local communities?

The changes will increase the capacity for more well-located homes, close to jobs and in places where people want to live.

Existing community members will benefit from improved access to transport options such as new metro stations, walkable neighbourhoods, a great mix of housing choices, public open space, a vibrant nightlife, and other new amenities and services.

By taking this approach, we can address the housing challenges in a way that makes the most sense. Transport-oriented development represents density done well. It reduces the need for lengthy and expensive daily commutes, alleviates the financial burden on households and curbs traffic congestion. This leads to an improved quality of life for residents.

This kind of development can also help reduce the impacts of climate change, promote active transport like cycling and walking and lead to healthier lifestyles.

When will the TOD program start?

Development Applications are expected to start being lodged from mid-2024. State-led rezonings in the 8 precincts will be completed by November 2024, though some rezonings will be completed earlier. This will allow for housing completions during the Accord period.

Part 1 of the TOD Program:

TOD Accelerated Precincts (the 8 sites) - Objectives of the program

The TOD Accelerated Precincts program will deliver high and mid-rise housing within 1,200 metres of 8 priority transport hubs. The objectives of the program are to:

- increase housing supply in well-located areas
- enable a variety of land uses (residential, commercial, recreational) within walking distance of train and metro stations
- deliver housing that is supported by attractive public spaces, vibrancy, and community amenity
- increase the amount of affordable housing in these locations

The 8 state-led rezonings will create capacity for up to 47,800 new well-located homes over the next 15 years.

Where will the accelerated rezonings be?

The accelerated precincts will be within 1,200 metres around stations at Bankstown, Bays West, Bella Vista, Crows Nest, Homebush, Hornsby, Kellyville and Macquarie Park.

How were these locations selected?

The department undertook analysis of 305 Sydney Train, Sydney Metro, and Intercity stations within the Six Cities Region to identify locations that have enabling infrastructure capacity near the transport station to support additional housing growth.

This was informed by an evidence-based approach that used planning, infrastructure like roads, water and sewage capacity, and spatial data, along with expert advice and feasibility analysis. The analysis identified that these 8 stations have significant capacity to support additional growth.

How will the program work?

Master planning and rezoning

Master planning will ensure additional dwellings are supported by good amenity

The department will undertake master planning for each precinct, supported by technical studies, to determine boundaries, and opportunities for new housing within 1,200m from these stations.

The department will lead rezonings within the precincts, informed by the master plans.

Faster assessment pathways

A new State Significant Development (SSD) assessment pathway for residential development

The new SSD assessment pathway will be triggered by a development Capital Investment Value (CIV) threshold of \$60M for residential development in the 8 precincts. The pathway will remain in place until November 2027 to encourage early lodgement of development applications.

SSD applications will be coordinated through a dedicated assessment team within the department to ensure a quicker and more streamlined assessment process.

Development approvals will be time-limited for 2 years to support construction to occur more quickly to deliver housing within the Accord period.

Applications for residential development with a CIV of less than \$60M will be assessed by Council.

90 days in government hands commitment for SSD assessment timeframes

The department is committed to a shorter SSD process, with a target of applications being in government hands for no more than 90 days.

Where master planning has significantly progressed, SSD applications can occur in parallel with the state-led rezoning process to reduce the time needed to achieve dwelling completions.

Affordable Housing

The NSW Government will establish inclusionary zoning within the 8 precincts to ensure the delivery of affordable housing close to jobs, recreation, amenities, and services.

Affordable housing held in perpetuity will make up to 15 per cent of homes in the 8 precincts. The exact proportion of affordable homes in these precincts will be based on feasibility testing, undertaken as part of the master planning process.

Opportunities for affordable housing in these locations will look to achieve the maximum benefit from the sites including through planning controls for increased height and floor space ratio.

High quality amenity and vibrant communities

The NSW Government has committed \$520M to provide community infrastructure in these precincts

This is intended to cover costs of critical road upgrades, active transport links and good quality public open spaces like parks and walkways, to make sure that homes are built close to jobs and in places that people want to live.

Further details about how the funding will be allocated will be provided in early 2024.

Councils will also be encouraged to invest the money it collects from local contributions to make further improvements to existing parks and open spaces.

Good design

Good design will remain a key focus with the Apartment Design Guide remaining the principal guiding document for housing in these locations.

The NSW Government will offer developers of high and mid-rise developments in these 8 accelerated precincts the opportunity to select an architect from a list pre-approved by the NSW Government Architect. This new process may allow developers to bypass the requirement to run a design competition, shortening the assessment time by many months.

What housing types will be included in the 8 precincts?

The government wants people to have more choice in housing diversity and be able to live in high-quality, well-designed homes, located close to jobs, transport and amenity.

Master planning undertaken in the 8 accelerated precincts will determine the mix of housing types to be delivered in these locations. This will range from low rise housing types such as terraces and duplexes within the 1200 metre radius, through to high rise developments very close to the 8 identified stations.

The approach

The department will work closely with relevant councils and government agencies as decisions about planning controls are made and implemented to make sure good place-based outcomes are achieved.

Through this process, community and stakeholders will be invited to have their say on the master plans and rezoning being proposed for each precinct and can make a submission through the NSW Planning Portal.

Part 2 of the TOD Program:

A New SEPP for a further 31 TOD Precincts: Where will the SEPP apply?

The SEPP will apply in the following locations - Adamstown station, Ashfield station, Banksia station, Berala station, Booragul station, Canterbury metro station, Corrimal station, Croydon station, Dapto station, Dulwich Hill station, Gordon station, Gosford station, Hamilton station, Killara station, Kogarah station, Kotara station, Lidcombe station, Lindfield station, Marrickville station, Morisset station, Newcastle Interchange, North Wollongong station, North Strathfield metro station, Rockdale station, Roseville station, St Marys metro station, Teralba station, Tuggerah station, Turrella station, Wiley Park metro station, Wyong station.

How were these locations selected?

The department undertook analysis of 305 Sydney Train, Sydney Metro, and Intercity stations within the Six Cities Region to identify locations that have enabling infrastructure capacity close to a transport station to support additional housing growth. This was informed by an evidence-based approach that used planning, infrastructure, and spatial data, along with expert advice and feasibility analysis. The analysis also considered the current zoning of land around stations, with a focus on residential and avoiding industrial zones where possible. The analysis identified that these 31 locations have the capacity to support additional growth.

What will the SEPP include?

From April 2024, new planning controls will apply within 400 metres of 31 well located and well-connected stations and town centres.

The changes will allow:

- Residential apartment buildings in all residential zones (R1, R2, R3, and R4) within 400m of identified stations
- Residential apartment buildings and shop-top housing in local and commercial centres (E1 and E2) within 400m of identified stations

Proposed changes to planning controls:

- Maximum building height 21m (approx. 6 storeys)
- Floor space ratio 3:1
- No minimum lot size or lot width

- Minimum active street frontage controls in E1 and E2 zones
- Maximum parking rates

It also proposes to introduce new design criteria for mid-rise residential apartment buildings:

- Building separations
- Setbacks
- Vehicle access
- Visual privacy
- Communal open space

How will the program work?

When the SEPP is made from April 2024, new planning controls in these locations will come into effect and development applications will be able to be lodged with councils. These applications will then be assessed and determined by the relevant council.

Good design

Good design and well-built homes will remain a critical focus, with the Apartment Design Guide being the principle guiding document for residential apartment buildings and shop-top housing in these locations.

Amended design criteria are proposed that reflect the unique design challenges of mid-rise buildings and may vary some existing Apartment Design Guide provisions. The design provisions will ensure apartment buildings and shop-top housing around these stations are well-designed and have excellent amenity and liveability for residents and contribute to the amenity of the neighbourhood.

Additionally, the NSW Government is developing a pattern book of endorsed housing designs for both low-rise and mid-rise (up to six storeys) buildings. Developers who choose to adopt the endorsed pattern book designs will have access to an accelerated approval pathway – meaning builders can get on site faster, and people can move into new homes sooner.

While this pathway will be attractive for some developers for its speed and certainty, it will not be compulsory. Builders and their architects can still design bespoke developments that will go through the regular approval pathway.

What housing types will be included in the delivery of this program?

The government wants people to have more choice in housing diversity and be able to live in high-quality, well-designed homes, located close to jobs, transport and amenity.

The SEPP will increase the supply of mid-rise flat buildings (up to 6 storeys) within 400 metres of stations. This will also include apartment buildings that contain shops on the ground floor.

Affordable housing

The NSW Government will establish inclusionary zoning around these locations to deliver affordable housing close to jobs, recreation, amenities, and services.

A mandatory minimum 2% affordable housing contribution will apply for all new developments.

The existing in-fill affordable housing provisions set out in the Housing SEPP 2021 will also continue to apply in the SEPP locations.

The approach

We need to confront the housing crisis together, so councils in the areas where the SEPP will apply will be able to have their say on the proposed changes to the planning controls during the targeted consultation period.

We support and encourage councils to develop strategic plans for well-located precincts to maintain continual growth. The SEPP will remain in place until councils have finalised their strategic planning in ways that align with the NSW Government policy objectives.

More Answers:

What are the likely environmental impacts and how will they be addressed?

Increasing density near planned and existing public transport will help improve the development pattern of our cities by reducing development sprawling out away from central parts of the city. This will mean more people will be able to live within walking distance of transport, jobs, services, and amenities. This kind of development is cheaper because it uses existing infrastructure, can help reduce impacts on climate change, and promote active transport like cycling and walking

Technical studies will also be undertaken in each accelerated precinct – including relevant environmental studies, to make sure that the impacts are understood and addressed through the master planning process.

Additionally, a merit-based assessment will continue to apply to developments in the 31 TOD-SEPP locations. Relevant environmental controls will apply to the extent they are not inconsistent with the new standards.

Will the TOD program apply in heritage conservation areas? If so, how will it impact character?

The changes proposed will result in significant change in these locations as additional housing is delivered. But it is important to work together to embrace the transition that will occur as the character of these locations evolves.

The new planning controls will apply in heritage conservation areas. However, a merit-based assessment will continue to apply to developments in these locations and relevant heritage controls will apply to the extent they are not inconsistent with the new standards.

How will the Special Entertainment Precinct (SEP) framework apply?

The NSW Government is encouraging local entertainment zones that are vibrant and diverse, especially at night. The new Special Entertainment Precinct framework, which expands on the one that delivered the successful Enmore Road Special Entertainment Precinct, may apply to the 39 precincts, but only at the request of the councils. This can deliver vibrant, safe 'going-out' destinations supported by adequate and reliable transport. Details on Special Entertainment Precincts can be found [here](#).

What infrastructure contributions will apply?

The government introduced Housing and Productivity Contributions in October 2023, and phase-in discounts will apply up to June 2025. This was done in anticipation of the reforms outlined in the document and to supply much need infrastructure in general. The department is developing a digital tool to allow for contributions to be calculated online. This tool will be integrated into the NSW Planning Portal and automates the ongoing administration, tracking and reporting of contributions. The contribution must be paid before a construction certificate is issued.

Local infrastructure in NSW is generally funded through either s7.11 or s7.12 contributions, paid by developers to the local council. Details of local infrastructure contributions will be resolved as soon as practical and be published publicly to enable transparency and support developer investment decisions. This may include an interim fixed Section 7.12 contribution rate where a plan does not exist or a comprehensive review of existing contributions plan/s is required.

How will this interact with proposed council-led strategies around transit hubs?

For the 8 accelerated precincts, the department will undertake master planning for each of these areas supported by technical studies, and consider opportunities for additional housing within 1,200m from these stations. But the department will work closely with relevant councils as decisions

about planning controls are made and implemented to make sure place-based outcomes are achieved.

For the TOD SEPP locations, the amended planning controls will remain in place until councils have completed and delivered a new strategic vision and rezoning for these areas.

The strategic planning must consider:

- Uplift in these locations equal to or exceeding the SEPP controls.
- Use of planning controls and zones that reflect medium-high density potential in these areas.
- Residential supply pipeline into the future to make sure uplift in these areas is sustained.
- Long-term affordable housing provisions in perpetuity.
- Amenity outcomes, including open space provision.

Will the TOD program apply to land zoned for industrial uses?

The planning controls will not apply to land zoned for industrial uses, to make sure these critical land uses are retained and managed.



CUMBERLAND
CITY COUNCIL

Community Information Session

NSW Government's Transport Oriented Development Program
at Berala and Lidcombe

27 February 2024



House Rules and Etiquette for Attendees

We ask that you:



Please be respectful to everyone in the meeting. Conflict and hostility will not be tolerated and this may result in being removed from the session.



Cameras and recording devices are not permitted in this session due to the sensitive nature of the matter. Failure to comply may result in you being removed from the session.

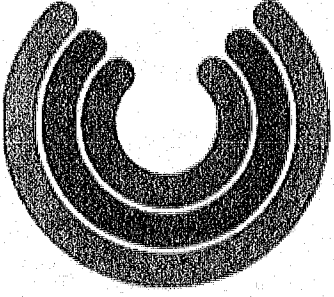


There will be an opportunity for you to ask any questions at the end of the presentation. This part of the session will be guided by Council officers.



Agenda

- 1** Council Presentation
- 2** Question and Answer Session
- 3** Close



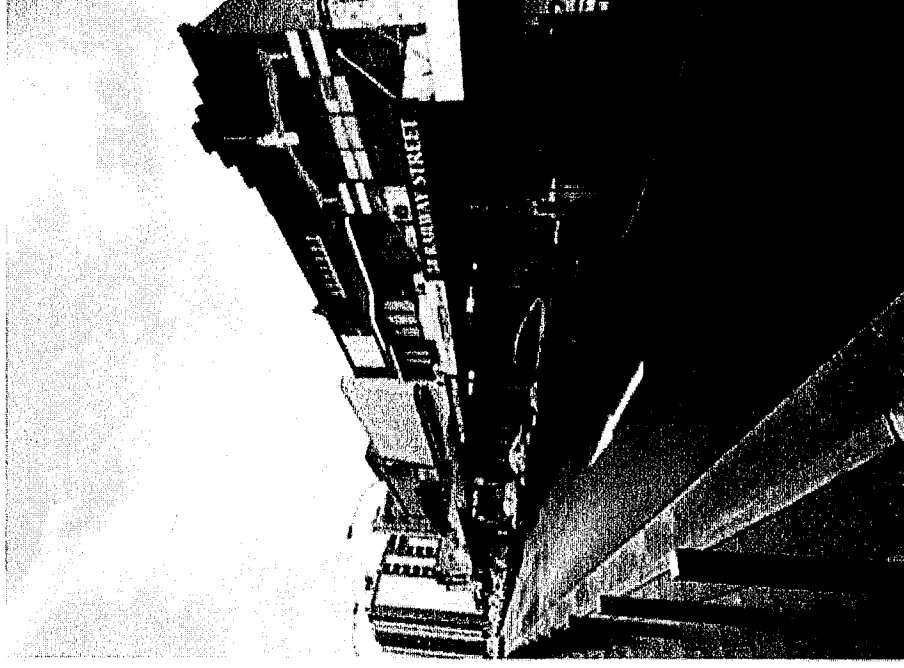
CUMBERLAND
CITY COUNCIL

Council Presentation



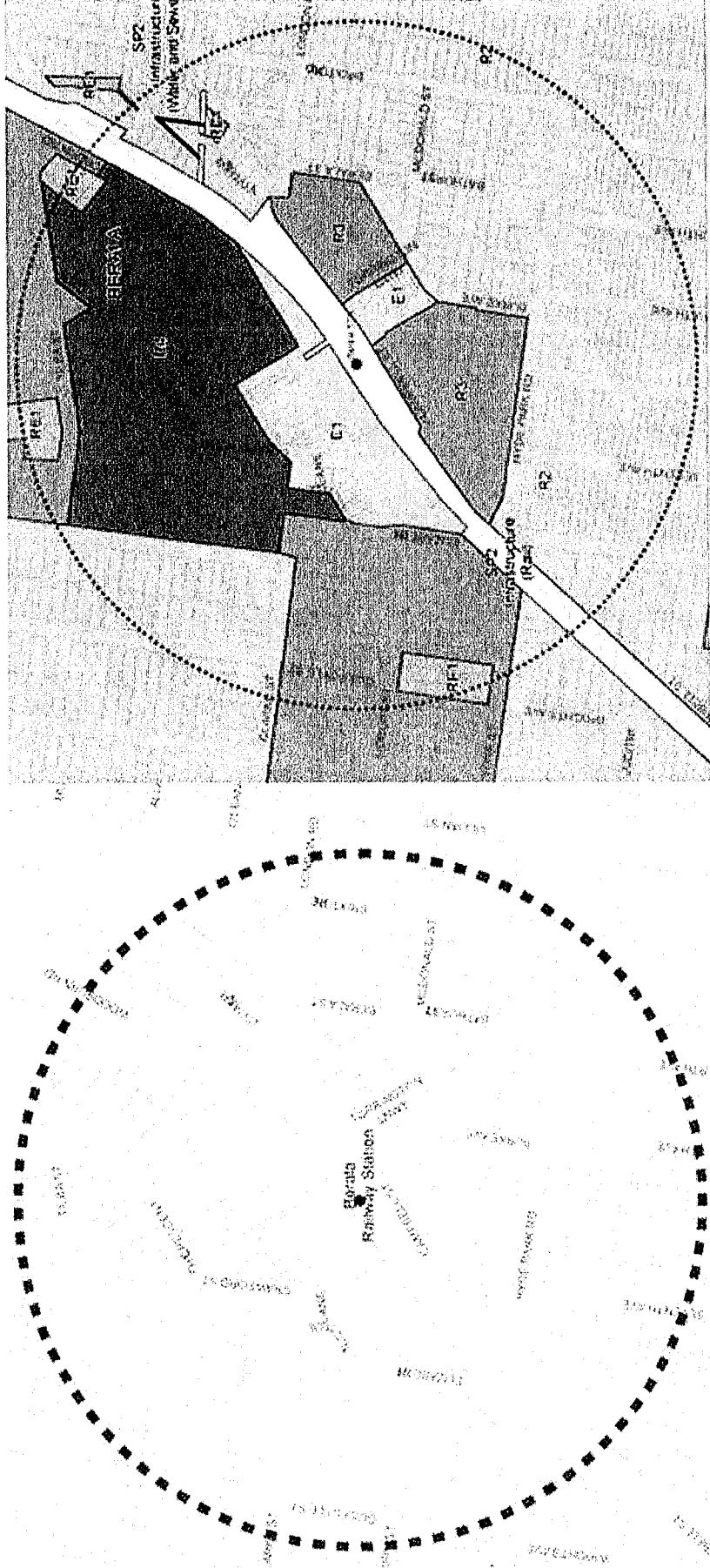
Background

- The NSW Government's Transport Oriented Development Program seeks to increase housing by allowing development up to 6 storeys to be located within 400m of selected train stations in areas currently zoned for low and medium density development.
- Berala and Lidcombe have been identified as locations for the NSW Government's Transport Oriented Development Program.

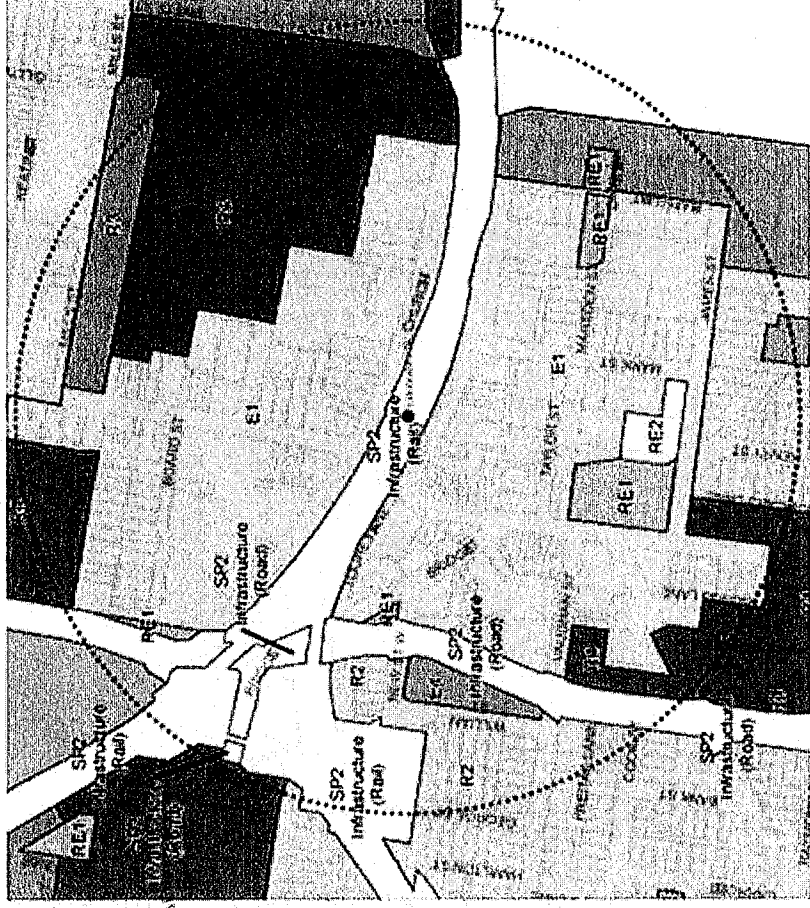
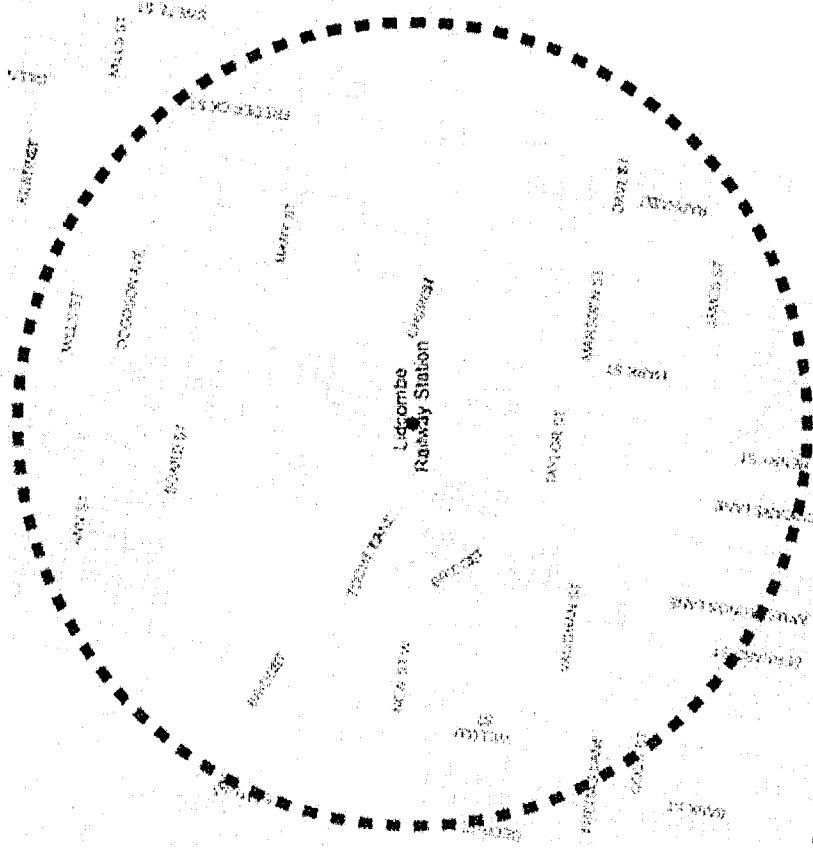




Berala – 400m Radius from Train Station

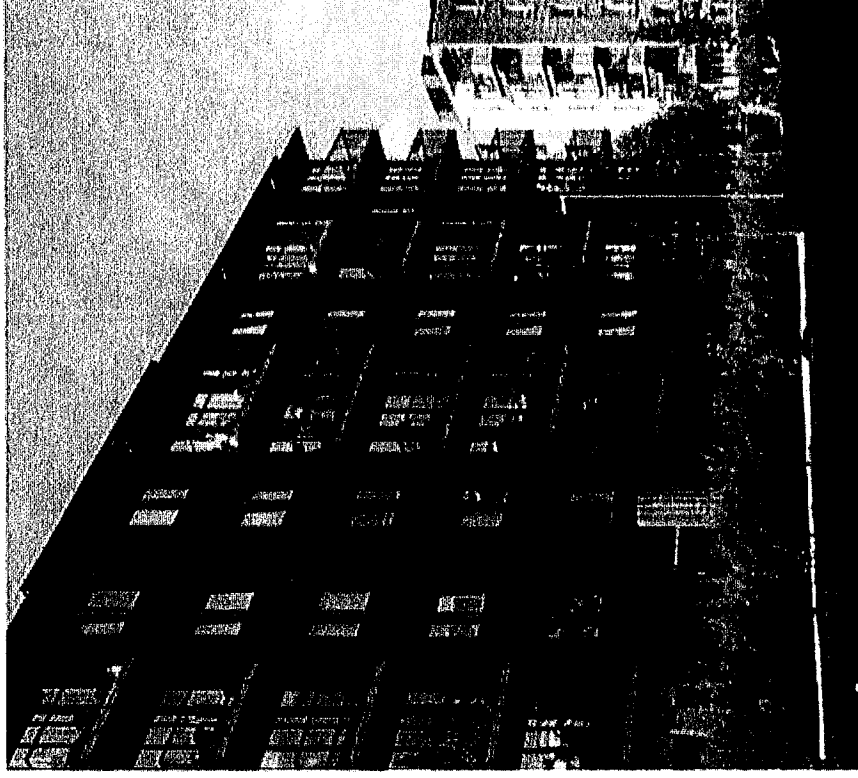


Lidcombe – 400m Radius from Train Station





Proposed Planning Controls



- The NSW Government's Transport Oriented Development Program is proposed to be implemented through a State Environmental Planning Policy (SEPP).
- The SEPP would override local planning controls in the Cumberland Local Environmental Plan (LEP).
- The Cumberland Development Control Plan (DCP) would continue to apply, except in areas where the SEPP overrides the DCP.



Next Steps

1

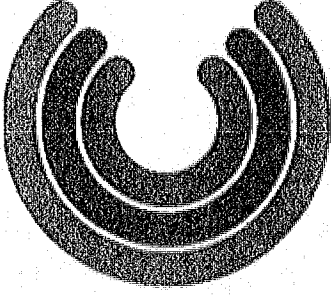
Feedback from community received during information sessions

2

Report to Council in March 2024

3

Submission by Council to the NSW Government on the Transport Oriented Development Program

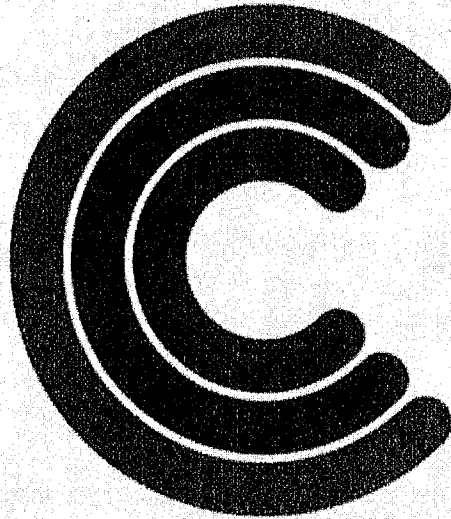


CUMBERLAND
CITY COUNCIL

Question and Answer Session

**DOCUMENTS
ASSOCIATED WITH
REPORT C03/24-474**

**Attachment 4
Engagement Report**



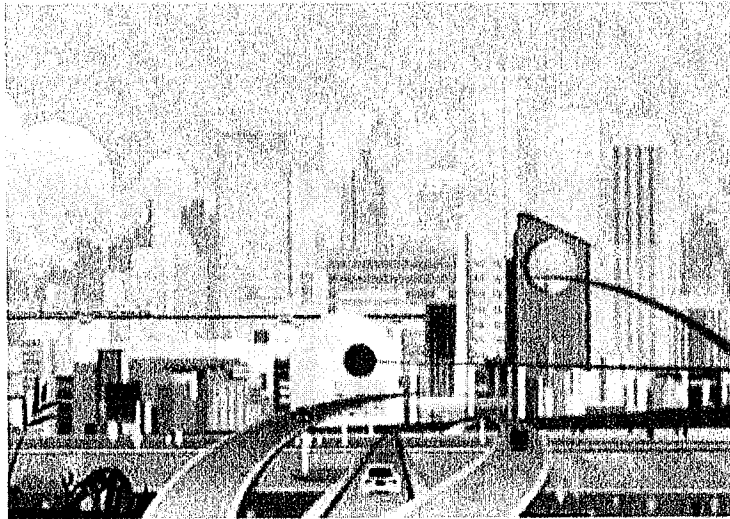
**CUMBERLAND
CITY COUNCIL**

Engagement Report

**NSW Government's Transport Oriented Development
Program at Berala and Lidcombe**



Executive Summary



The NSW Government's Transport Oriented Development Program seeks to increase housing at Berala and Lidcombe by allowing development up to 6 storeys to be located within 400m of these train stations in areas currently zones for low and medium density development.

Cumberland City Council provided an opportunity for the community to hear from Council on our understanding of the NSW Government's Transport Oriented Development Program in Berala and Lidcombe and hear feedback from the community. Two engagement sessions have been held:



The engagement session at the Berala Community Centre had **68 registrations**



The engagement session at the Lidcombe Community Centre had **25 registrations**



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Letter box drop	5
Corflute signage	5
Social media.....	6
What we heard	7
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Berala Community Information Session	7



Methodology

Have your say

Council staff created a landing page specifically for the NSW Government's Transport Oriented Development Program in Berala and Lidcombe on Council's community engagement platform – Cumberland Conversations – as the main point of information for the community. The page was set up as a 'Consultation' project, and included:

- Information on the purpose of the consultation.
- A document library
- An ability to record feedback.

Face to face consultation

Council hosted two face to face consultations inviting the community to an information session with representatives from Cumberland City Council regarding the NSW Government's Transport Oriented Development Program. These were held at:

- 27 February 2024
4.00pm – 5.00pm
Lidcombe Community Centre
- 27 February 2024
6.00pm – 7.00pm
Berala Community Centre



Letter box drop

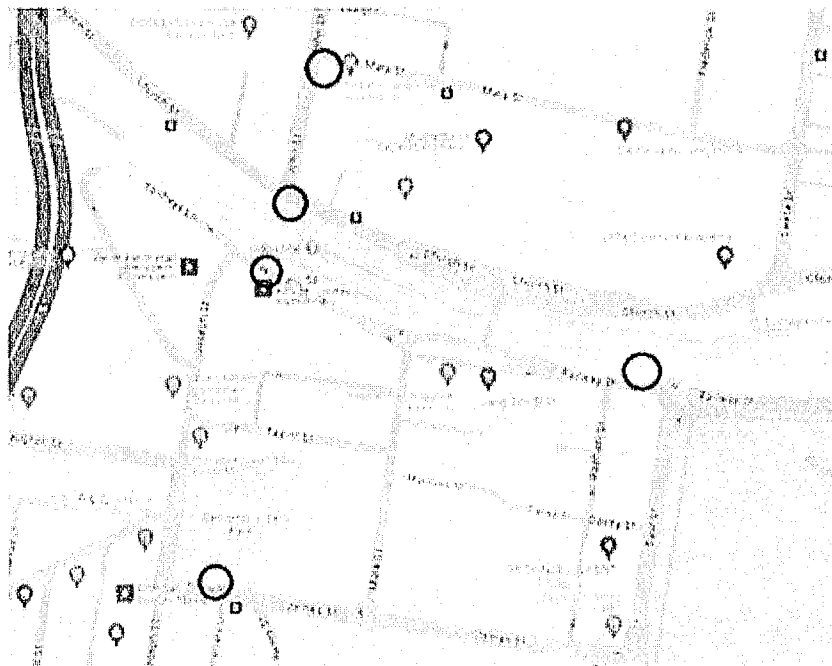
A letter box drop with flyers inviting the community to the face to face sessions was conducted on Wednesday 21 February 2024. Flyers were letterbox drop at residential properties in an 800m radius of Berala and Lidcombe train stations.

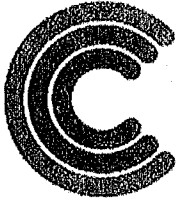
Post Code & Suburb	No. of Residential Letterboxes
2141 BERALA, Cumberland Area	1745
2141 LIDCOMBE, Cumberland Area	5592

Corflute signage

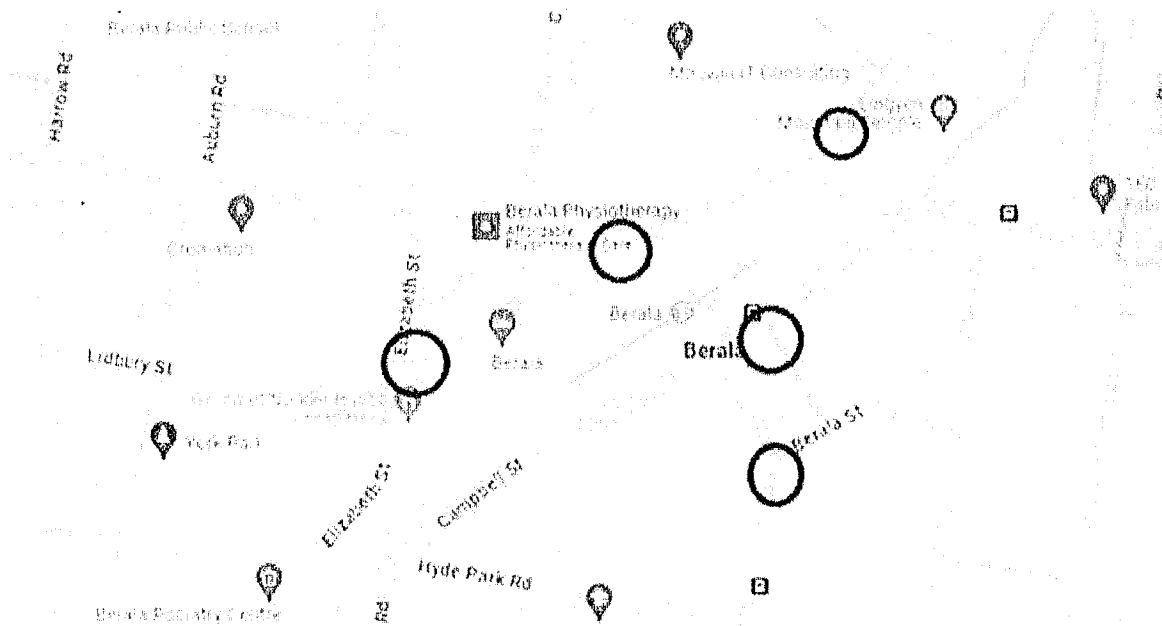
Five corflute signs informing and inviting the community to the information sessions were placed in both Berala and Lidcombe town centres. These corflute signs provided information on the session as well the opportunity to scan QR to translate the document.

Lidcombe:

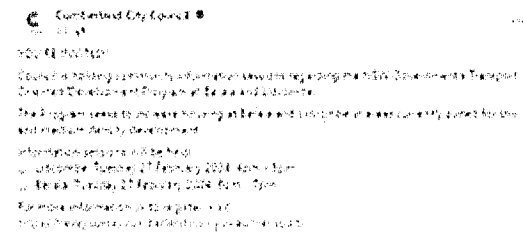




Berala:

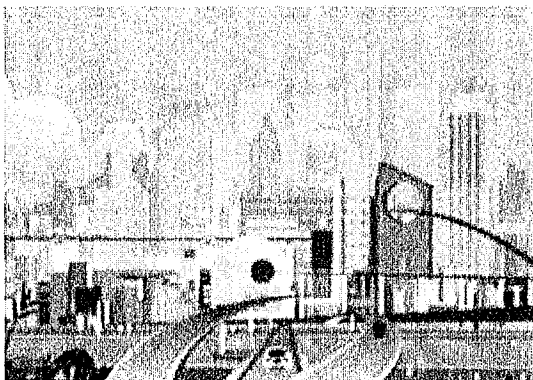


Social media



Targeted social media via Council's Facebook page was utilised to inform the community of the consultation. The social media notice was posted on the following dates:

- 22 February 2024
- 25 February 2024





What we heard

Lidcombe Community Information Session

- There is a lack of infrastructure to support the large amount of housing in Lidcombe.
- The train service and other public transport services don't meet the current need of the community and won't be able to support the growth.
- There are concerns around parking, with the large number of proposed units there will be no spaces for cars to park.
- There is a lack of shops and supermarkets to cater to the current community, this would be a concern for population growth.
- There are not enough schools to service the area, particularly high schools.
- There is a need for road infrastructure improvements.
- There is a lack of aged care facilities to cater to a growing population.
- Open spaces are limited in the area and need to be upgraded to include elements including exercise equipment.

Berala Community Information Session

- There is some support for development in Berala to grow the suburb.
- This is an opportunity for Berala to grow with the rest of Western Sydney.
- There is interest in whether affordable housing packages will allow for additional three storeys in developments.
- There is limited understanding if the decision for the Transport Oriented Development is final.
- With the increase in housing, there is limited understanding if Council will collect more rates to improve services in the Berala community.
- There are concerns around the frequency and stopping pattern of train services.
- There are concerns around access to hospitals.
- There are concerns around capacity in schools.
- There are concerns around developments changing the 'village' feel of Berala.
- There are concerns around parking, with the large number of proposed units there will be no spaces for cars to park.
- There is a lack of shops and supermarkets to cater to the current community, this would be a concern for population growth.

END OF REPORT.

**DOCUMENTS
ASSOCIATED WITH
REPORT C03/24-474**

Attachment 5

**Explanation of Intended Effects -
Low and Mid Rise Housing**

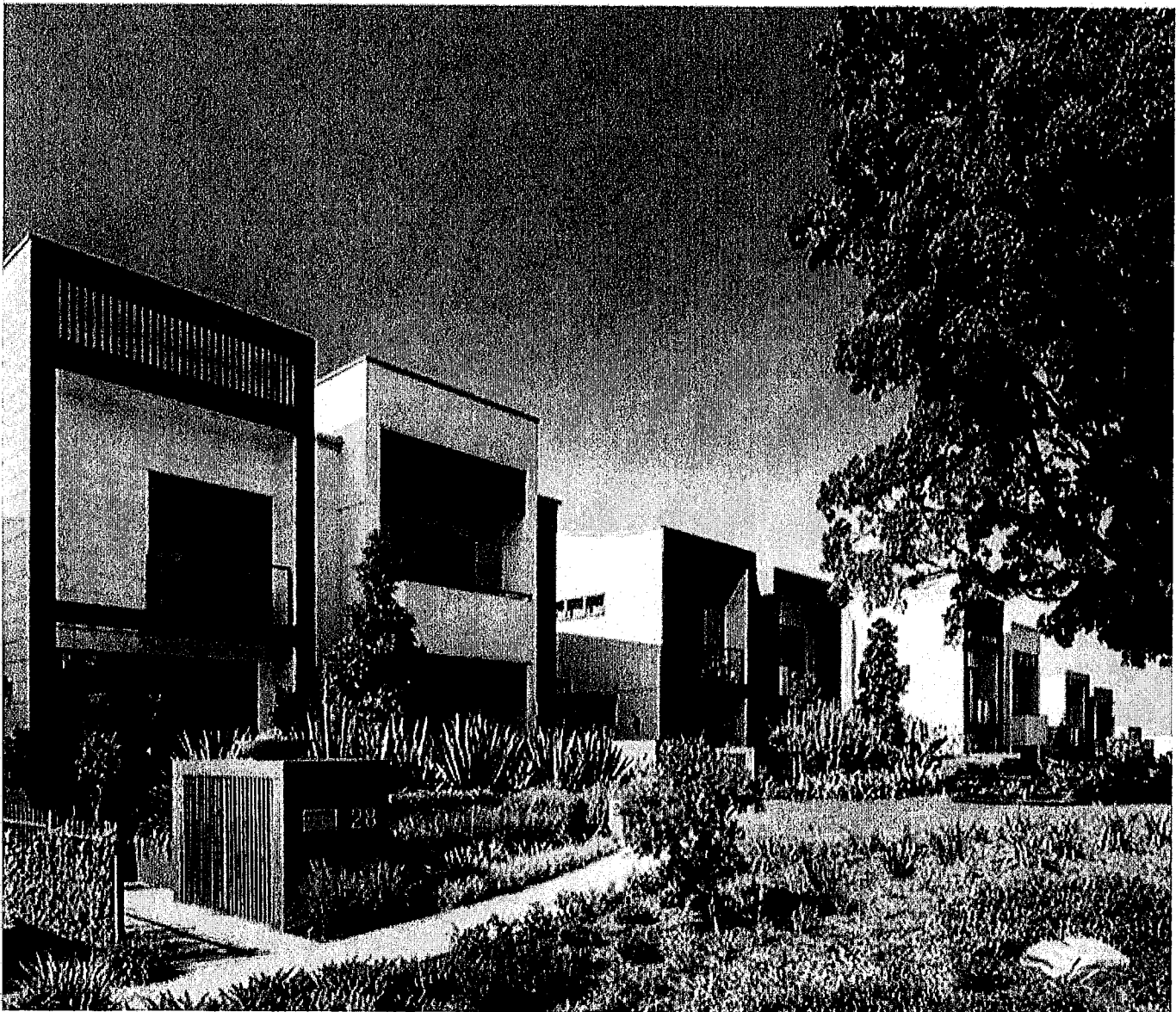
Department of Planning and Environment



Explanation of Intended Effect: Changes to create low- and mid-rise housing

December 2023

dpie.nsw.gov.au



OFFICIAL

Acknowledgement of Country

The Department of Planning and Environment 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 and Environment

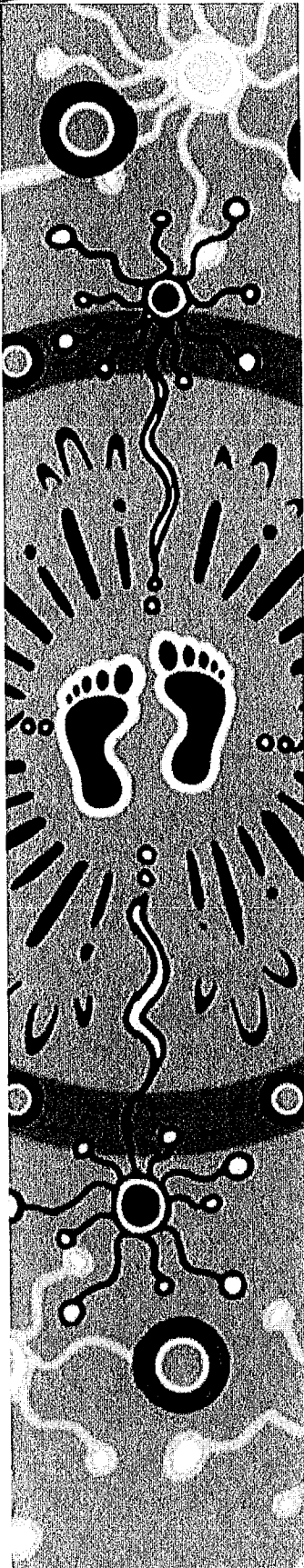
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Explanation of Intended Effect: Changes to create low and mid-rise housing

First published: December 2023

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Abbreviations

Term	Explanation
Codes SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
DA	Development Application
DCP	Development Control Plan
DPE	Department of Planning and Environment
EIE	Explanation of Intended Effect
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Housing SEPP	State Environmental Planning Policy (Housing) 2021
LEP	Local Environmental Plan
R1 Zone	General Residential
R2 Zone	Low Density Residential
R3 Zone	Medium Density Residential
R4 Zone	High Density Residential
LRHDC	Low-Rise Housing Diversity Code, part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
MLS	Minimum Lot Size
SEPP	State Environmental Planning Policy
SEPP 65	State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development
Six Cities Region	A region defined in the <i>Greater Cities Commission Act 2022</i> which stretches from the Shoalhaven-Wollongong region to the south, the Blue Mountains to the west, and the Newcastle-Lower Hunter region to the north
SILEP	Standard Instrument - Principal Local Environmental Plan: sets out the standard provisions that all local environmental plans must follow

1 Introduction

The NSW Government is proposing changes to the planning system. These changes respond to the housing crisis and will build a better planning system for the future.

This document explains a suite of proposals to encourage more low and mid-rise housing options for NSW households that are in the right places and designed well.

We want to enable more diverse, well-designed, low-rise and mid-rise housing near established town centres and in areas where there is good public transport. This will address the immediate urgency of the housing crisis and create a fairer and more resilient housing market for the future. The changes will give NSW households more choice and promote vibrant, sustainable and liveable communities.

These proposals are the first step towards addressing the crisis. Our longer-term aim is to enable better planning that is led locally.

Tell us what you think

We welcome your feedback on the changes we propose. To have your say, please complete the [online feedback form](#).

How this document is structured

This explanation of intended effect is divided into the following chapters:

- **Chapter 2: The housing crisis** explains the current housing issues NSW is facing and the need for a government response that is proportional and effective
- **Chapter 3: Opportunities for more housing** identifies the barriers and opportunities to encourage more housing in the right locations
- **Chapter 4: Policy proposals** details the proposed policy options to encourage more diverse and well-located housing
- **Chapter 5: Have your say** invites your feedback on the proposals.

Summary of the reforms

Appendix A summarises the proposed policy reforms.

Our broader response

The proposals in this document are the planning policy part of the Department of Planning and Environment's response. Our broader response to the housing crisis includes:

- a program to speed up development applications
- measures to increase the provision of social and affordable housing
- a Transport-oriented Development program.

Read more about the department's [response to the housing crisis](#).

Relevant legislation

In preparing this explanation of intended effect, the department has considered Division 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2 The housing crisis

2.1 Housing in NSW

NSW is growing. One in five Australians lives in Greater Sydney. Almost one in four Australians lives in the broader Six Cities Region, which extends beyond Sydney to the Central Coast, Newcastle and the Illawarra-Shoalhaven. One million more residents are expected to call NSW home by 2034.

In the context of heightened demand, the supply of new homes is also declining. Residential building approvals have fallen since mid-2021. Multiple factors have driven this, including shortages of construction materials and labour, limited market feasibility, and rising interest rates.

In the 5 years to March 2023, NSW built 284,978 homes, or around 57,000 each year. But under current market and policy conditions, we expect fewer new homes will be built in the next few years. In the past 12 months, only 47,430 homes were completed.

Housing affordability pressures are affecting more households, and a growing population of renters now faces record-low vacancy rates.

We must act urgently to address the housing crisis, but we can also carry out targeted planning reforms now. This will create a more flexible planning system that can better respond to future shocks. It will also provide for homes where people want to live and create the climate-resilient, vibrant communities we want to live in.

2.2 National Housing Accord

The National Housing Accord (the Accord) was announced in October 2022. Under the Accord, governments across Australia, institutional investors and the construction sector are collaborating with a shared ambition to address housing supply and affordability, including through:

- an aspirational target of 1 million new well-located homes over 5 years from 1 July 2024.
- delivery of more affordable homes through immediate and longer-term actions.

In August 2023, National Cabinet endorsed a new national target to build 1.2 million new well-located homes to help align supply with expected demand over the next 5-years. In line with its relative population share of the National Accord target, NSW has committed to deliver at least 314,000 new homes by 2029, with a stretch goal of 377,000 homes.

National Planning Reform Blueprint

On 16 August 2023, National Cabinet met in Brisbane to agree on a range of new priorities to create more secure and affordable housing for Australians. The NSW Government has committed to delivering on the reforms in the blueprint.

The National Planning Reform Blueprint includes:

- updating state, regional, and local strategic plans to reflect housing supply targets
- promoting medium- and high-density housing in well-located areas close to existing public transport connections, amenities and employment
- streamlining approval pathways
- reforms to support the rapid delivery of social and affordable housing
- reforms to support timely issuing of development approvals
- considering the phased introduction of inclusionary zoning and planning to support permanent, affordable, social and specialist housing in ways that do not add to construction costs
- addressing gaps in design guidance for housing and building certification to ensure quality
- improving community consultation processes
- resourcing this work with professionals, including planners, in local government.

2.3 Well-located infill housing

Sydney is one of the least dense global cities...

As well as having comparably low population density, Sydney's housing stock overwhelmingly comprises low-density detached homes. The current zoning rules in Sydney also make it difficult to provide the diverse range of housing types we need to accommodate our growing population, changing demographics and a wide range of housing preferences.

Within many of our residential areas, important and suitable housing types such as terraces and small apartment blocks are not allowed.

Even where the zone technically allows a certain housing type, it may be prevented in practice by incompatible planning controls.



Figure 1: Residential flat building in Lane Cove

Small residential flat buildings are a key medium density housing option, but they cannot currently be built on most lots zoned for medium density homes.

... and urban sprawl is expensive and unsustainable

In recent years, there has been an overreliance on greenfield areas on the fringes of Sydney to provide much of our new housing. According to the NSW Productivity Commission's report, *Building More Homes Where People Want to Live*, between 2016 and 2021, fewer than 20% of new dwellings were built within 10km of the CBD.

In addition, there is a shortage of new homes in many parts of the city that have great transport options, convenient town centres, and local amenities such as parks and beaches. This undersupply of new housing in these key parts of the city has led to a lack of affordable choices where people want to live.

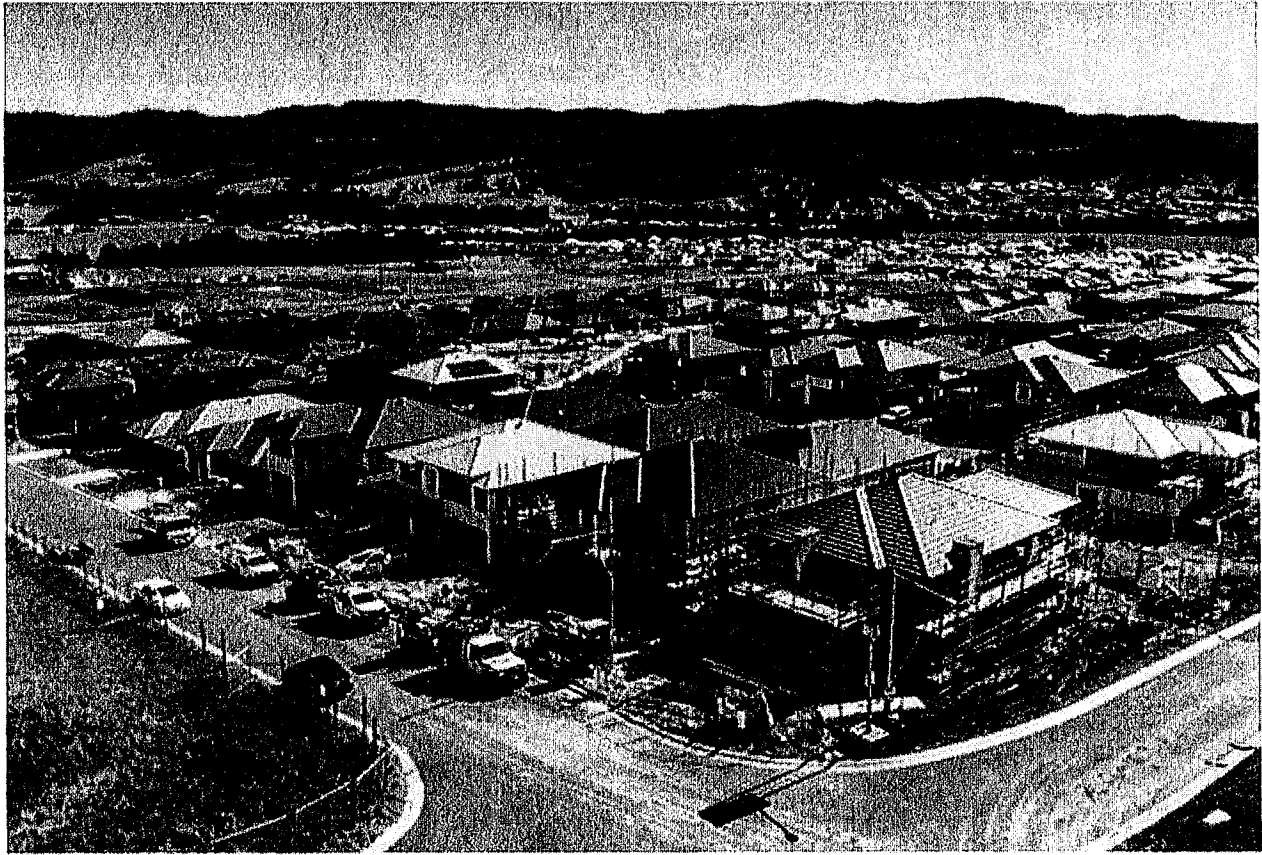


Figure 2: A birds-eye view of a residential subdivision under construction

The Productivity Commission's 2023 report, *Building more homes where infrastructure costs less*, says we will need to build at least 550,000 new homes in Sydney by 2041 just to keep up with our growing population. We would need to go even further than this to tackle the housing affordability crisis.

The report found the costs of servicing new housing with infrastructure can be up to \$75,000 more expensive for each home in the outer suburbs compared to the inner suburbs. The most transparent and efficient way to build Sydney's housing from now on is to build the homes where infrastructure such as roads, rail, water, schools and open space costs less.

Infill development

By supplying new housing in existing urban areas (known as 'infill development'), we can do density well by making sure new housing is built in locations that are well-serviced by infrastructure and have capacity for growth.

This will:

- allow new infrastructure to be funded in a more cost-effective way
- re-purpose and upgrade existing infrastructure

- create efficiencies in providing infrastructure for growing communities
- minimise road congestion
- improve access to green spaces
- use our existing public transport networks
- lower costs for water, schools, and hospitals
- protect important habitat and biodiversity from an encroaching urban fringe.

We lack a diversity of housing options

It is important to have a variety of housing options to cater for different housing needs, preferences and life stages. For example, the number of bedrooms is usually important for families with children, but convenience and access to shops and amenities are important for couples without children and older households (*The Housing We'd Choose*, Grattan Institute, 2011).

Although it is often assumed that living in a detached house on a large block of land is what most Australians want, research by the Grattan Institute found Sydney residents ranked 'whether the house is detached' as only the 5th most important variable when selecting a home. Having a big garden was ranked 20th (*The Housing We'd Choose*, Grattan Institute, 2011). Further, household sizes are changing in the Six Cities Region. A greater share of households are trending toward couples without children.

Recent research by the University of NSW's City Futures Research Centre on behalf of Government Architect NSW found that medium-rise apartment buildings were the most preferred type of building among apartment purchasers. These buildings of less than 20 apartments were preferred for their larger interior sizes, greater sense of community and smaller strata schemes.

Terraces, cottages and small apartment blocks represented much of the housing built in the first half of the 20th century. In the inner suburbs, these housing types now account for one-fifth of the housing stock (NSW Productivity Commission, *Building more homes where people want to live*, 2023).

Other important types of housing such as terraces and town houses used to be common options and comprised a much larger share of new residential builds.

In the areas where new housing has been concentrated in recent decades, however, the share of diverse housing types has been declining.

This reduction in the diversity of new dwelling stock has been observed in recent years. Housing policymakers and the community are raising concerns that most new housing is either freestanding homes on the fringes of Sydney, or high-rise apartment buildings along busy roads (NSW Productivity Commission, *Building more homes where people want to live*, 2023). The Six Cities Region has an acknowledged and well-documented 'missing middle'.

In Sydney, most residential areas are zoned for low density (single family homes) and only a small proportion of land is zoned for medium or high-density development. The current zoning distribution does not sufficiently support a diverse housing mix, and where medium-density zones exist, key mid-rise housing types are not allowed. Delivering more well-located, diverse housing types is a key focus for the NSW Government as it will promote a greater array of housing options for households and create vibrant urban communities.

More homes should be located near public transport hubs and town centres

More homes are best placed in areas that are well-serviced by town centres and good public transport, so people can quickly and easily get to where they need to be. This means that more people will be able to live within walking distance of supermarkets, restaurants, and good public transport to get them to work and other places. This is an accepted model of urban development that is commonly referred to as 'transport-oriented development'. It has been a key feature of strategic planning in NSW for many years.

There is still significant opportunity across NSW to make sure the homes we need are in these great locations. Taking this approach would address the housing challenges in a way that makes the most sense. This approach represents density done well. It makes daily commutes shorter and cheaper, taking the financial burden off households and curbing traffic congestion, leading to better quality of life. The goal is to build more homes and strategically position them close to where people need to go, giving more people access to convenient transport options and amenity.

2.4 Ongoing strategic planning efforts

Strategic planning in NSW

The planning process determines how we use and develop land - whether it be in a city, regional community or on a rural property. Strategic planning looks at the big picture. It helps inform how and where change can take place, if it's where new housing may be located, or where transport links or community infrastructure should go.

Decisions about any development and the best use of land must be transparent, clear and fair. The NSW planning system ensures this by setting a clear strategic vision, which in turn informs planning controls that guide decisions. In NSW, regional and district plans created at the state level set the overarching vision for our region and its unique districts. Councils create local strategic planning statements, local environmental plans, and development control plans, which apply the strategic vision at a local level.

How housing is delivered

Housing delivery is a shared responsibility. At the federal level, the Commonwealth works with state and local governments, investors and industry to set aspirational housing targets and support additional housing supply through the National Housing Accord.

The NSW Government and councils work to meet these targets by ensuring the planning system allows for and incentivises well-located housing. This includes long-term strategic planning, delivering infrastructure at the right time, zoning land and setting controls, and assessing development. Many councils also have a local housing strategy which details how much housing (and of what types) needs to be delivered in the local area, where it will go, and how it will look.

When state and local strategic plans are in place, government agencies and the development industry are then able to use the planning system to deliver quality social, affordable and market housing in the right places to support growing communities.

Infrastructure is critical to housing

Councils in NSW rely on a variety of funding sources to support the delivery of local infrastructure. This includes libraries, parks, roads, local transport infrastructure, recreation and sport facilities and stormwater drainage facilities to meet the needs of their communities. The right infrastructure funding mix will be needed to support increased housing supply as proposed in this document.

Section 7.11 local infrastructure contributions and 7.12 levies are the main mechanisms councils use to fund local infrastructure under Part 7 of the EP&A Act. In infill areas where new housing supply is proposed, councils already have section 7.11 and/or section 7.12 local infrastructure contributions plans in place. Because of this, it will be important to decide if councils' existing infrastructure contributions frameworks are enough to address any increased demand created by expected growth.

Section 7.11 and 7.12 contributions plans list infrastructure items to be delivered and their costs. These plans also specify how much councils will charge developers to pay for this infrastructure. The amount councils can charge for both section 7.11 and section 7.12 contributions is limited under NSW Government legislation and policy, as Table 1 shows.

Table 1. Caps on council funding for local infrastructure

Funding mechanism	Cap
Section 7.11 Contributions	\$20,000 per home/lot for most infill areas
Section 7.12 Levies, calculated using a simple percentage levy based on the cost of development	1% of the cost of development for most areas

The changes to the planning system that we propose in this explanation of intended effect will result in more homes being built in infill areas. These will be areas already serviced by state and local infrastructure, such as roads, rail and bus infrastructure, water and drainage, schools and open space. This is an efficient approach to infrastructure provision.

While increasing housing supply in infill areas will increase demand on existing infrastructure, it also allows us to upgrade, improve and deliver more local amenities and services through development contributions. The delivery of any new or upgraded existing infrastructure to support housing supply must be well coordinated and funded. We propose using existing mechanisms in the infrastructure contributions system to fund state and local infrastructure (see section 4.4).

The Six Cities Region

The Six Cities Region is Australia's first global-city region. It is a network of six connected cities in Australia that connect to each other, while celebrating and drawing on each city's unique character and strengths.

The Six Cities Region is made up of:

- Lower Hunter and Greater Newcastle City
- Central Coast City
- Illawarra-Shoalhaven City
- Western Parkland City
- Central River City
- Eastern Harbour City.

The Six Cities Region Discussion Paper has been released. It represents the first step in planning at this scale. New region and district plans will be published in 2024, and these will feed into new local plans created by councils over the coming years.

2.5 Applying the proposed reforms

The proposals outlined in this EIE represent a progressive approach to accommodating growth across the Six Cities Region. The planning system needs to enable and incentivise more density and diverse housing options in well located areas. The proposed reforms are designed to deliver new housing supply in established areas that have capacity to accommodate growth in a way that capitalises on current and future investment in public infrastructure.

3 What's preventing more low and mid-rise houses being built?

NSW needs more well-located mid-rise housing options such as small blocks of units. They are a strongly desired development type among buyers and renters. Small apartment developments can exhibit high quality design for the benefit of residents and the local neighbourhood while contributing to the vibrancy of our centres.

3.1 Mid-rise housing

For this explanation of intended effect, mid-rise housing refers to residential flat buildings and shop-top housing that is generally between 3 and 6 storeys. These small-scale residential buildings are important to promote in our overall housing mix. They cater to a variety of needs and preferences and create more inclusive and vibrant communities.

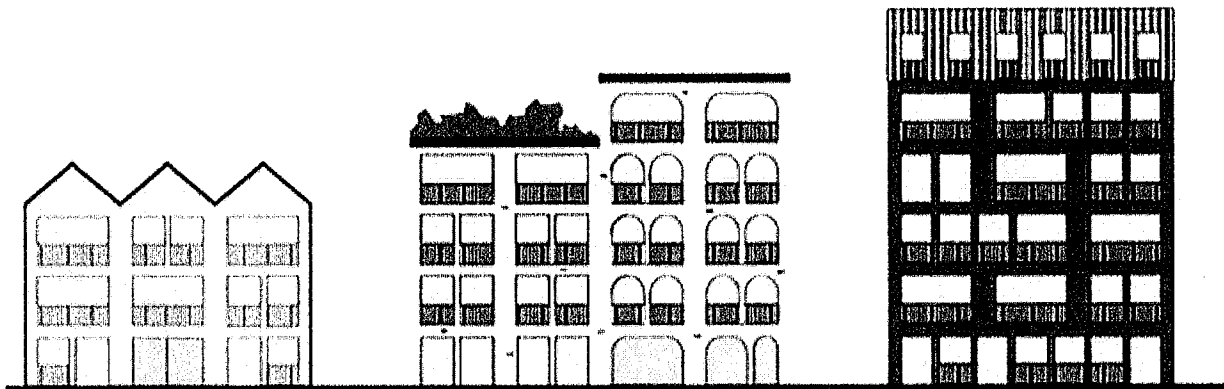


Figure 3: Mid-rise housing types L-R residential flat buildings and shop top housing

What are Residential Flat Buildings (RFB) and shop top housing?

A residential flat building is a building that contains three or more homes and is 2 or more storeys. At least one of the homes must not have direct access at the ground level for it to be considered a residential flat building. It does not include other similar residential buildings such as co-living housing or multi-dwelling housing. Residential flat buildings are commonly referred to as apartment

buildings or flats. Residential flat buildings are a mandated permitted use in all General Residential and High Density Residential zones.

Shop-top housing is a building that contains one or more apartments above ground floor shops or other commercial uses. Shop-top housing is common in mixed-use neighbourhoods and town centres. It provides residential neighbourhoods with easy access to supermarkets, cafes, and other important services. Shop-top housing is a mandated permitted use in all General Residential, High Density Residential, Local Centre (E1) and Mixed Use (MU1) zones.

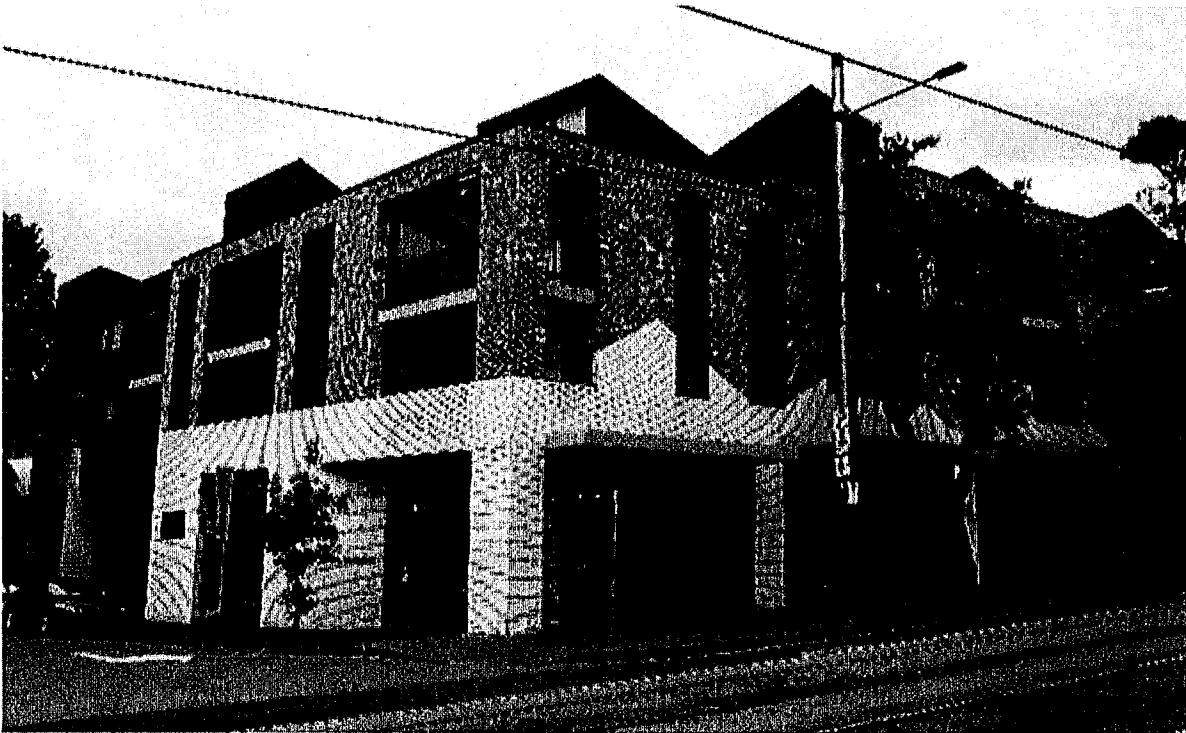


Figure 4: Shop top housing in Surry Hills



Figure 4: Residential flat building on Huntley Street, Alexandria

There is a need for more well-located mid-rise housing

Well-located mid-rise housing options such as small blocks of units are a strongly desired development type among buyers and renters as identified in research from UNSW City Futures Research Centre cited earlier. Fulfilling the latent demand in the housing market for small apartment buildings provides an opportunity to address calls for greater housing diversity to meet the needs of people at different stages of life. Small apartment developments can exhibit high quality design for the benefit of residents and the local neighbourhood while contributing to the vibrancy of our centres.

Mid-rise housing is often prohibited in well-located areas

Across the Six Cities Region, most residential areas, around 77%, are zoned for low density. But only around 12% of areas are zoned for medium density, and 2% for high density. Even in the 12% of Medium Density Residential zones, residential flat buildings and shop-top housing are prohibited in around 60% of these areas.

Six Cities Residential Lots

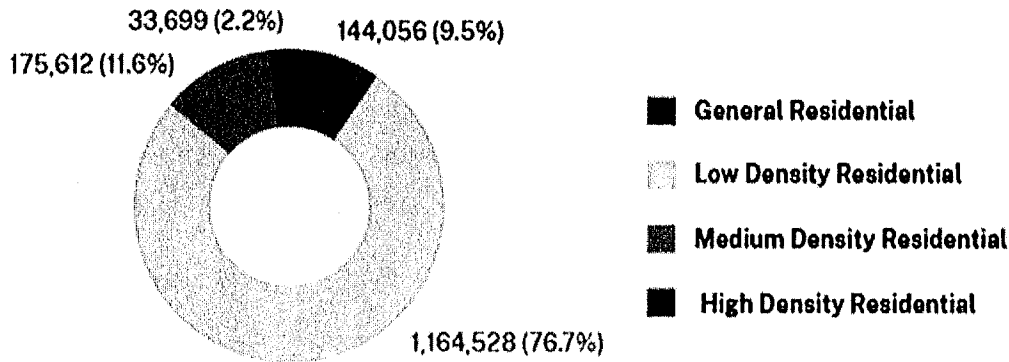


Figure 6: Overview of zoning of residential lots within the Six Cities region

Only 42% of well-located medium density lots in areas around heavy and light rail stations and close to important town centres permit residential flat buildings. This land needs to be better used by allowing development controls more suitable for mid-rise housing.

Restrictive development controls can discourage mid-rise housing

In the limited areas where mid-rise housing is permitted, site requirements and development controls can make delivering mid-rise housing a challenge.

Across all medium density lots in the Six Cities Region, the average maximum height of building control is around 9.9 metres and the average maximum floor space ratio control is 0.73:1. These controls only enable a 3-storey building with a limited number of apartments possible. Such small developments are not usually economically feasible to deliver in well located areas.

Height of Buildings Controls by Zone - Six Cities LGAs

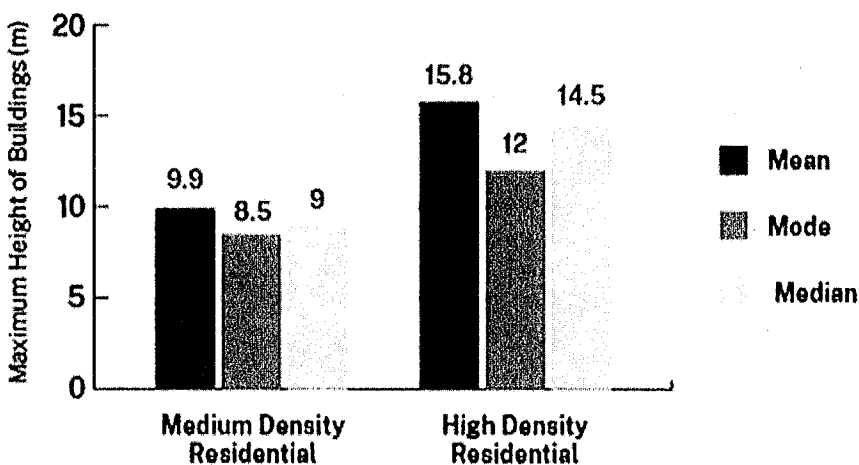


Figure 7: Overview of height of buildings controls in the medium and High Density Residential zones within the Six Cities

Even in High Density Residential zones, the average maximum height of building control is around 15.8m and the average maximum floor space ratio control is 1.25:1. Again, these controls only enable a 4 to 5 storey building with a limited number of apartments possible.

In many medium and high-density residential zones, both the average and median built form controls are insufficient to realise the opportunities of mid-rise housing. Getting these planning settings right is critical to attracting investment in new mid-rise housing projects to deliver housing supply in well-located areas.

3.2 Low-rise housing

For this explanation of intended effect, low-rise housing refers to multi dwelling housing (such as terraces and townhouses), manor houses and dual occupancies. It is generally one or 2 storeys, sometimes incorporating a habitable roof. It does not include freestanding houses.



Figure 8: Low-rise housing types L-R dual occupancy, multi-dwelling housing (terraces), manor house

Multi dwelling housing (MDH) and manor houses

What are multi-dwelling housing and manor houses?

Multi-dwelling housing is a term used to describe residential developments that have three or more dwellings on a single lot with each dwelling having access at ground level. It includes rows of terraces and townhouses, but it does not include apartment buildings. They are a historically popular form of housing in Sydney, commonly found closer to the city centre. They are typically one or 2-storeys with a small front and back yard and setback to the side neighbours. They offer most of the benefits of a traditional freestanding house, but for a more affordable price.

Manor houses are small 2-storey apartment blocks. They are also an historically popular form of housing in Sydney's earlier suburbs, found in places like the eastern suburbs and the inner west. They often have the appearance and size of a 2-storey freestanding house but contain two apartments on the ground floor and two on the first floor. The ground floor apartments often get their own backyards, which offers a great level of amenity at a more affordable price.

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Figure 9: Manor house in Thornton



Figure 10: Townhouses in residential area at Gledswood Hills

Most low-density areas prohibit multi-dwelling housing and manor houses

Multi-dwelling housing is prohibited in the Low Density Residential zone in 82% of lots across the Six Cities. This is particularly pronounced in Greater Sydney, where 94% of councils prohibit multi-dwelling housing in their low-density zones.

**Multi Dwelling Housing Permissibility in Low Density Residential Lots
-Six Cities LGAs**

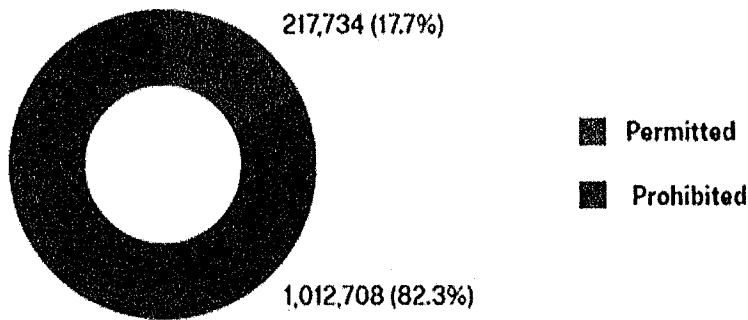


Figure 11: Permissibility of MDH across Low Density Residential zone lots within the Six Cities region

Similarly, manor houses are prohibited in all Low Density Residential zones in Greater Sydney, although they can be developed where multi-dwelling housing is permitted if using complying development under the Low-Rise Housing Diversity Code.

The main zone where multi-dwelling housing and manor houses are permitted is the Medium Density Residential zone where they are always permitted. The issue is that the medium-density zone only accounts for a small proportion of residential land, around 12% in the Six Cities Region.

Another issue is that Medium Density Residential zones also sometimes allow the multi-storey apartment buildings that developers usually prefer over the lower-yielding multi-dwelling housing and manor houses. So, there is a scarcity of land that allows for multi-dwelling housing and manor houses. And in the few areas they are allowed, developers often prefer apartments. As a result, very few new multi-dwelling housing and manor houses have been built in recent decades.

Multi-dwelling housing and manor houses are suitable in well-located low-density areas

Multi-dwelling housing and manor houses can be designed to comfortably sit within a freestanding house neighbourhood, without significantly changing character and offering a diverse and affordable option. Their scale and presence can be designed so they have no more impact than a freestanding house and they can enhance the desirable characteristics of a neighbourhood.

Low-density residential zones that are within walking distance of town centres and transport hubs should be able to accommodate more multi-dwelling housing and manor houses. These housing types offer a sustainable way of encouraging more homes in low-density neighbourhoods. Focusing efforts in places that already have good access to public transport and everyday needs will avoid undesirable impacts such as more congestion and a lack of street parking.

Some development controls discourage multi-dwelling housing and manor houses

There are a range of development controls that often apply to multi-dwelling housing and manor houses. These can further limit the potential sites and make them particularly difficult to design, especially when compared to the controls for freestanding houses.

Many councils set minimum lot sizes that range between 700 m² and 2,000 m². These minimum lot sizes can be unnecessarily large, as well-designed multi-dwelling housing and manor houses can easily fit on much smaller sites. These requirements often rule out large proportions of the already limited lots that allow multi-dwelling housing and manor houses, sometimes up to 75% of permitted lots in a given area.

There are also other controls, such as floor space ratio and minimum car parking requirements, that can make these housing types compromised in design, impractical to develop and economically unviable. Because of this, it is more workable to develop freestanding housing and larger apartment buildings.

Dual occupancies

What are dual occupancies?

Dual occupancies are two dwellings on a single lot and are commonly known as duplexes or semis. They are a common form of housing in Sydney, with a strong historical presence in the form of one and 2-storey 'semis' and in the more modern form of 2-storey duplexes. They are typically two side-by-side houses that both have a front yard, a back yard, and are setback to the side neighbours. They offer most of the benefits of a traditional freestanding house, but for a more affordable price.

Dual occupancies are suitable in all low-density areas

Well-designed dual occupancies are perfectly suited to provide more housing in all low-density residential areas across the state. Their scale, form and presence can be designed so they have no more impact than a freestanding house and they can enhance the desired character of an area.



Figure 12: Dual occupancy housing in Ryde

Dual occupancies are prohibited in many low-density areas

Within the Six Cities region, dual occupancies are prohibited in 14% of low density lots. In the same region, within the Medium Density Residential zone, dual occupancies are prohibited in 35% of lots.

Dual Occupancy Permissibility by Lots - Six Cities LGAs

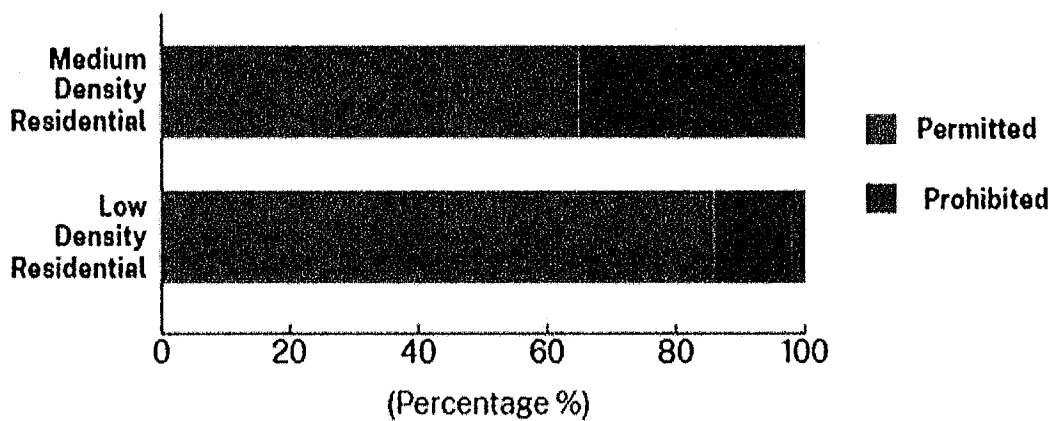


Figure 13: Permissibility of dual occupancies on low and Medium Density Residential zone lots within the Six Cities

All Low Density Residential zones should be able to accommodate dual occupancies as a sustainable way to provide more housing supply and provide more diverse housing options for the community.

Dual occupancies are suitable in the General Residential zone

Within the Six Cities region, there are 23 LEPs with a General Residential zone. Of these, only 19 (or 83per cent) permit dual occupancies. General residential lots comprise 9.5% of all residential lots within the Six Cities.

An objective of the General residential zone is to provide a variety of housing types and densities. This objective can be more directly achieved by promoting dual occupancies in this zone.

Unsuitable development controls discourage dual occupancies

There are a range of development controls that often apply to dual occupancies which can further limit the sites where they can be built and make them particularly difficult to design, especially when compared to the controls for freestanding houses.

Many Councils set minimum lot sizes which range between 450m² and 800m². These minimum lot sizes can be unnecessarily large as well-designed dual occupancies can easily fit on much smaller sites. These requirements often rule out a large proportion of the lots that permit dual occupancies, sometimes up to 72% of permitted lots in a given area.

There are also a range of other controls, like floor space ratio, that can make dual occupancies difficult to design. Because of this, it is often easier to develop freestanding housing.

4 Policy proposals to build more low and mid-rise housing

4.1 Mid-rise housing

Expanded permissibility within well located areas

The department is proposing to permit residential flat buildings on all Medium Density Residential zoned land in well located areas - that is, within station and town centre precincts. Since RFBs are a mandated use in the General Residential and High Density Residential zones, the Medium Density Residential zone presents an opportunity to expand the permissibility for this important mid-rise typology.

Figure 14 below shows the current and proposed permissibility settings for RFBs on well-located and other lots zoned for medium density within the Six Cities region.

RFB Permissibility in Medium Density Residential Zone - Six Cities LGAs

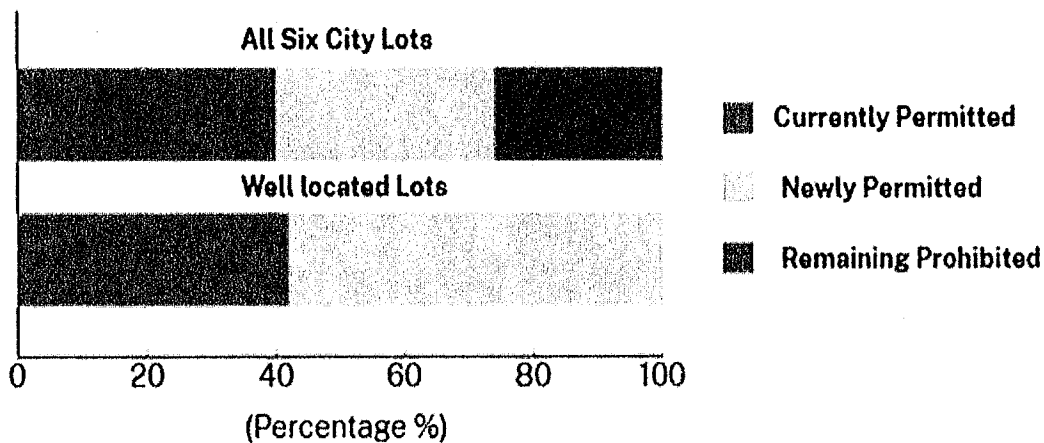


Figure 14: Permissibility of RFBs on well-located and other lots within Medium Density Residential zone in Six Cities

Mid-rise housing in Station and Town Centre Precincts

Station and town centre precincts

The Station and town centres precincts are proposed to be:

- within the Six Cities Region; and
- 800m walking distance of a heavy rail, metro or light rail station; or
- 800m walking distance of land zoned E2 Commercial Centre or SP5 Metropolitan Centre; or
- 800m walking distance of land zoned E1 Local Centre or MU1 Mixed use but only if the zone contains a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants.
 - The Department is seeking input from councils to determine which E1 and MU1 centres contain an appropriate level of goods, services and amenities to be included.

Non-refusal standards

To facilitate these developments, the NSW Government propose to set standards for non-refusal that will apply wherever residential flat buildings or shop top housing are permitted (currently or newly proposed) within Station and Town Centre Precincts with the exception of the Low Density Residential zone. The standards are designed to allow more density in the inner part of the precincts within 400 metres of the stations and centres and less density in the outer part of the precincts from 400 metres to 800 metres.

Non-refusal standards

Non-refusal standards are a type of provision (legal condition) used in the planning system to set consistent standards for certain types of development and provide certainty and flexibility for councils and proponents.

Non-refusal standards are usually outlined in a SEPP and overrule LEP or DCP provisions. If the equivalent LEP or DCP standard is already more permissive than the non-refusal standard, it will continue to apply.

This approach gives councils the flexibility to set more permissive local controls that suit local areas. It also means that if a proposed development does not comply with the non-refusal standard but still complies with Council's standard, it will not need a clause 4.6 variation request.

The purpose of this approach is to increase housing potential, not reduce what is already allowed.

The specific intentions are that if a development:

- Complies with the standard, a consent authority **must not** refuse consent on those grounds;
- Does not comply with the standard, it will be assessed under the equivalent applicable LEP or DCP standard;
- Does not comply with the standard, but does comply with the equivalent LEP or DCP standard, a clause 4.6 variation is not required;
- Does not comply with both the standard and the equivalent LEP or DCP standard, a clause 4.6 variation will be required.

The non-refusal standards have been calibrated to enable a typical 3 to 6 storey apartment building that can achieve an appropriate level of amenity for the apartments and to neighbouring dwellings.

All other applicable planning controls in Local Environmental Plans and Development Control Plans such as heritage and environmental considerations will continue to apply to the extent they are not inconsistent with these provisions.

The proposed non-refusal standards for residential flat buildings and shop top housing in the station and town centre precincts are:

In the inner part of the precincts within 400 metres of the stations/centres:

- Maximum Building Height: 21m
- Maximum FSR: 3:1

In the outer part of the precincts from 400 to 800 metres of the stations/centres:

- Maximum Building Height: 16m
- Maximum FSR: 2:1

The non-refusal standards will apply to any residential flat building and shop top housing development on land in station and town centre precincts (with the exception of land zoned R2). For residential flat buildings, the non-refusal standards apply to land where this land use is currently permitted or proposed to be permitted. For shop-top housing, the non-refusal standards apply where this land use is currently permitted.

We are also proposing to turn off minimum site area and width standards in LEPs as part of these reforms. This will allow development assessment to consider the individual merits of mid-rise developments on a case-by-case basis within the context of the site.

Design criteria to support mid-rise housing

The Apartment Design Guide gives consistent planning and design standards for apartments in NSW. It gives design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65)*.

The proposed new mid-rise housing provisions in station and town centre precincts will be supported by suitable design criteria that will vary some ADG provisions. These measures will ensure that design controls applying to new mid-rise housing proposals are appropriately differentiated to facilitate smaller apartment buildings.

The design provisions will ensure mid-rise apartment buildings are well-designed and promote excellent amenity and liveability for residents and the community.

The intent of the proposed changes to the design criteria is set out below.

- **Building separations:** Reducing the minimum building separation requirements for 5 and 6 storey buildings to match the current requirements for up to 4-storey buildings.
- **Setbacks:** Front setbacks to be the average of neighbouring buildings with a 6m maximum. Side and rear building setback requirements are to increase by an additional 1m for every 2-storey difference in height between neighbouring buildings.
- **Vehicle Access:** Design of basement and ground floor for mid-rise building is not required to accommodate large vehicles entering or turning around within the site. Waste collection method to be detailed in Waste Management Plan.
- **Visual Privacy:** To be managed through the proposed modified building and separation provisions.
- **Communal Open Space:** A minimum of 8m² of communal open space is to be provided per apartment, up to a maximum 25% of the site area.
- **Landscaping:** Minimum deep soil and planting requirements, depending on the size of the site as set out Appendix B.
- **Car parking:** Minimum car parking rates to create a consistent set of appropriate requirements for mid-rise housing across the Six Cities.

Affordable Housing

The existing In-fill Affordable Housing bonus provisions of the Housing SEPP will continue to apply for development under the proposed mid-rise housing in station and town centre precincts provisions.

The department is also proposing to work with local councils to introduce affordable housing contribution schemes (inclusionary zoning) on more land across the Six Cities where there has been sufficient value uplift. Further consultation about this is expected in 2024.

4.2 Low-rise housing

Multi dwelling housing and manor houses

Expanded permissibility

We propose to make multi-dwelling housing and manor houses permitted with consent in the Low Density Residential zone within station and town centre precincts.

Manor houses will be characterised as 2-storey residential flat buildings (excluding any habitable roof). They will not be limited to 3 or 4 dwellings as they currently are under the Codes SEPP.

Station and town centre precincts

Station and town centres precincts will be:

- within the Six Cities Region; and
- 800m walking distance of a heavy rail, metro or light rail station; or
- 800m walking distance of land zoned E2 Commercial Centre or SP5 Metropolitan Centre; or
- 800m walking distance of land zoned E1 Local Centre or MU1 Mixed use but only if the zone contains a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants
 - The Department is seeking input from councils to determine which E1 and MU1 centres contain an appropriate level of goods, services and amenities to be included.

Non-refusal standards

We propose to set key non-refusal standards that will apply to MDH and manor houses wherever they are permitted in Station and Town Centre Precincts. The non-refusal standards are designed to encourage MDH and manor houses to achieve the benefits of more and diverse housing while managing their impacts on surrounding properties, the local environment and neighbourhoods.

Proposed non-refusal standards for multi-dwelling housing (terraces), multi-dwelling housing and manor houses in station and town centre precincts are:

Multi dwelling housing (terraces)

- Maximum Building Height: 9.5m
- Maximum FSR: 0.7:1
- Minimum Site Area: 500m²
- Minimum Lot Width: 18m
- Minimum Car Parking: 0.5 space per dwelling

Multi dwelling housing

- Maximum Building Height: 9.5m
- Maximum FSR: 0.7:1
- Minimum Site Area: 600m²
- Minimum Lot Width: 12m
- Minimum Car Parking: 1 space per dwelling

Manor Houses

- Maximum Building Height: 9.5m
- Maximum FSR: 0.8:1
- Minimum Site Area: 500m²
- Minimum Lot Width: 12m
- Minimum Car Parking: 0.5 space per dwelling

The non-refusal standards will apply to any multi-dwelling housing, multi-dwelling housing (terraces), or manor house in station and town centre precincts where they are currently permitted or proposed to be permitted under these proposals.

Lot size and width

The proposed minimum lot size and width standards provide sufficient space for a typical 2-3 bedroom dwelling layouts with a reasonable front and back yard, side setbacks to the neighbours, and car parking for most dwellings.

Floor space ratio and building height

We have set the proposed floor space ratio and building heights to encourage these housing types. They provide more floor space allowance than most low-density areas which will encourage MDH and manor houses rather than large freestanding houses. The building height is designed to accommodate 2 storeys with the potential habitable roof, depending on the design. Built form

impacts on neighbours such as privacy and overshadowing will still need to be considered through the design criteria in the applicable design guides and local requirements.

Car parking

The proposed car parking rates for terraces and manor houses will be a reduction to most council's current DCP requirements and the standards of the Codes SEPP. The proposed rates will only apply in the target precincts which have walkable access to most needs and alternative transport options. The reduced rates for terraces will also reduce the need for multiple driveways along the street and the resultant impact that has on street parking and landscaping. For manor houses, reduced parking rates will facilitate better design outcomes including increased landscaping and more privacy for neighbours.

Application of other Planning Controls

All other applicable planning controls in Local Environmental Plans and Development Control Plans such as heritage and environmental considerations will continue to apply to the extent they are not inconsistent with these new provisions.

Landscaping requirements outlined in relevant DCPs will continue to apply and the Low Rise Housing Diversity Design Guide will continue to be relevant. The Design Guide will be updated to be consistent with the landscaping targets set out in Appendix C.

The Low Rise Housing Diversity Code will continue to only apply to MDH (terraces) and manor houses limited to 3 or 4 dwellings. This includes on land where it is proposed to newly permit these land use types.

To ensure good design outcomes are achieved, for development applications the consent authority must consider the Low Rise Housing Diversity Design Guide for development applications. Similarly, complying developments will continue to be required to be consistent with the Low Rise Housing Diversity Design Guide for complying development with a verification from a registered architect.

Subdivision

We propose to permit the torrens subdivision of multi-dwelling housing (terraces) provided the proposed lots meet appropriate size, width and access requirements.

Dual occupancies

Expanded permissibility

We propose to permit dual occupancies in all Low Density Residential zones across NSW. We are also looking to work with the remaining few councils whose LEPs prohibit dual occupancies in the General Residential zone to consider whether they could be permitted.

Non-refusal standards

We propose to set key non-refusal standards that will apply to dual occupancies wherever they are permitted in Greater Sydney. The non-refusal standards are designed to encourage dual occupancies to realise the benefits of more and diverse housing in low-density areas.

Non-refusal standards for dual occupancies

Proposed non-refusal standards for dual occupancies in Greater Sydney:

- Maximum Building Height: 9.5m
- Maximum FSR: 0.65:1
- Minimum Site Area: 450m²
- Minimum Lot Width: 12m
- Minimum Car Parking: 1 space per dwelling

The non-refusal standards will apply to any dual occupancy in Greater Sydney where it is currently permitted or proposed to be permitted under these proposals.

Lot size and width

The proposed lot size and width is set at the lower end of the range of lot sizes that apply in different Council areas in Greater Sydney. It provides sufficient space for a 3-to-4-bedroom dwelling layout with a reasonable front and back yard, side setbacks to the neighbours, and a garage for each dwelling.

Floor space ratio and building height

The proposed FSR provides slightly more floor space allowance than most low-density areas, which will encourage dual occupancies rather than large freestanding houses. The proposed building height is designed to accommodate a 2-storey dual occupancy. Built form impacts on neighbours such as privacy and overshadowing will need to be considered through the design criteria in the applicable design guides and local requirements.

Car parking

The proposed car parking rate is typical in many areas and will be a slight reduction in some. It is important that excessive car parking is not required, as it can influence whether a dual occupancy can fit on any given site. One space is sufficient to ensure there is not a significant impact on car parking availability in the street.

Application of Other Planning Controls

All other applicable planning controls in Local Environmental Plans and Development Control Plans such as heritage and environmental considerations will continue to apply to the extent they are not inconsistent with these new standards.

Landscaping requirements outlined in relevant DCPs will continue to apply and the Low Rise Housing Diversity Design Guide will continue to be relevant. The Design Guide will be updated to be consistent with the landscaping targets set out in Appendix C.

Under the complying development pathway, proposals will continue to be required to be consistent with the Low Rise Housing Diversity Design Guide for complying development.

Affordable Housing

The existing In-fill Affordable Housing bonus provisions of the Housing SEPP will continue to apply for development under the proposed low-rise housing provisions.

Subdivision

It is proposed to permit the torrens subdivision of dual occupancies provided the proposed lots meet appropriate size, width and access requirements.

4.3 Flooding

Managing the risk of flooding to life and property through local planning controls is a key priority for the NSW Government. We need to ensure that all new development in flood prone areas is compatible with the current and future flood risk of the land.

Council's current flooding controls will continue to apply to all development where the low- and mid-rise reforms are proposed to ensure that flood risk is appropriately managed. In areas of particularly high flood risk, such as the Hawkesbury Napean Valley, the Department will work councils to exclude the relevant areas from the application of the proposed reforms.

4.4 Infrastructure Contributions

The NSW planning system allows councils and the NSW Government to collect contributions that fund infrastructure needed to support new development.

From 1 October 2023, all residential development that intensifies land use (where new dwellings are created) will be subject to the Housing and Productivity Contribution (HPC) and will replace the former State Infrastructure Contribution (SIC). HPC contributions will go towards the provision of state and regional infrastructure such as roads, parks, hospitals and schools. It does not affect how councils collect local contributions.

Councils will continue to require the payment of section local infrastructure contributions (7.11 and/or section 7.12 contributions) for all new development in accordance with relevant council contributions plans. Revenue collected goes towards funding infrastructure like community facilities, stormwater drainage, local open space and local roads.

In infill areas where there will be additional housing supply as a result of this proposal, councils already have section 7.11 and/or section 7.12 contributions plans in place that apply to new residential development. These existing plans will allow councils to collect more revenue as more dwellings are built.

However, it is important to ensure that councils will have sufficient revenue to fund any new or upgraded local infrastructure that may be required. Some changes may be needed to councils' current contributions frameworks to allow for anticipated growth.

The department will work with councils to identify where further infrastructure planning and funding is required and accelerate that work to ensure it is in place at the right time.

The best approach will depend on the current contributions framework in the area, anticipated growth and local infrastructure needs. Stakeholder consultation, including public exhibition, will be necessary before any changes are carried out.

Council feedback on infrastructure needs

We are seeking feedback on councils' preferred approach to identifying and addressing additional infrastructure needs that arise as a result of the proposed changes. The aim is to ensure that delivery of local infrastructure occurs at a rate that will keep up with the anticipated growth needed to address the housing crisis.

4.5 Relationship with the Transit Oriented Development program

The Department is also progressing a Transit Oriented Development program, which will fast-track rezoning in 8 key precincts, and introduce new planning settings in a number of other identified station precincts across the Six Cities, including new permissibility settings, built form controls, social and affordable housing provisions and heritage arrangements.

The proposed low- and mid-rise reforms will work in tandem with the Transit Oriented Development program to achieve good urban form through appropriate density transition around centres. The reforms proposed under the Transit Oriented Development program are generally more permissive than the low- and mid-rise reforms and therefore will prevail over the low and mid-rise controls, where areas overlap.

Read more about the department's [response to the housing crisis](#).

5 Have your say

The Department of Planning and Environment welcomes community and stakeholder feedback on this explanation of intended effect. Your feedback will help us better understand the views of the community and will inform the proposals discussed in this document.

To submit feedback, complete the [online feedback form](#).

Your submission may address the issues raised in this document or you may give more input about the changes we propose.

We will publish a response to submissions after the exhibition period ends.

Appendix A – Summary of proposed reforms

Typology	Proposed permissibility change	Proposed non-refusal standards
Low-rise housing		
Dual occupancies	Make dual occupancies permitted with consent across Low Density Residential (R2) zones in NSW.	<p>Introduce non refusal standards that apply to dual occupancies wherever they are permitted in Greater Sydney:</p> <ul style="list-style-type: none"> • Maximum Building Height: 9.5m • Maximum FSR: 0.65:1 • Minimum Site Area: 450m² • Minimum Lot Width: 12m • Minimum Car Parking: 1 space per dwelling
Manor houses	Make manor houses permitted with consent in the Low Density Residential (R2) zone within <i>station and town centre precincts</i> in the Six Cities region.	<p>Introduce non-refusal standards that apply to Manor Houses wherever they are permitted within <i>station and town centre precincts</i> in the Six Cities region:</p> <ul style="list-style-type: none"> • Maximum Building Height: 9.5m • Maximum FSR: 0.8:1 • Minimum Site Area: 500m² • Minimum Lot Width: 12m • Minimum Car Parking: 0.5 space per dwelling
Multi-dwelling housing (terraces)	Make MDH (terraces) permitted with consent in the Low Density Residential (R2) zone within <i>station and town centre precincts</i> in the Six Cities region.	<p>Introduce non-refusal standards that apply to MDH Terraces wherever they are permitted within <i>station and town centre precincts</i> in the Six Cities region:</p> <ul style="list-style-type: none"> • Maximum Building Height: 9.5m • Maximum FSR: 0.7:1 • Minimum Site Area: 500m² • Minimum Lot Width: 18m • Minimum Car Parking: 0.5 space per dwelling

Typology	Proposed permissibility change	Proposed non-refusal standards
Multi-dwelling housing	Make MDH permitted with consent in the Low Density Residential (R2) zones within <i>station and town centre precincts</i> in the Six Cities region.	<p>Introduce non-refusal standards that apply to MDH whenever they are permitted within <i>station and town centre precincts</i> in the Six Cities region:</p> <ul style="list-style-type: none"> • Maximum Building Height: 9.5m • Maximum FSR: 0.7:1 • Minimum Site Area: 600m² • Minimum Lot Width: 12m • Minimum Car Parking: 1 space per dwelling
Mid-riso housing		
Residential flat buildings (RFBs)	Permit RFBs with consent in the R3 zone within <i>station and town centre precincts</i> in the Six Cities region.	<p>Introduce non-refusal standards that apply to RFBs wherever they are permitted (excluding R2 zones) in <i>station and town centre precincts</i> in the Six Cities region.</p> <p>Within <i>inner (0-400m) station and town centre precincts</i> in the Six Cities region:</p> <ul style="list-style-type: none"> • Maximum Building Height: 21m • Maximum FSR: 3:1 <p>Within <i>outer (400 800m) station and town centre precincts</i> in the Six Cities region:</p> <ul style="list-style-type: none"> • Maximum Building Height: 16m • Maximum FSR: 2:1
Shop-top housing (STH)	No change proposed.	Introduce non-refusal standards that apply to shop top housing (identical to those proposed for RFBs) wherever they are permitted (excluding for R2 zones).

Typology	Other proposals
Mid Rise Housing (both RFBs and STH)	<p>Amend the <u>Apartment Design Guide</u> which sits under the <i>State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development</i> (SEPP 65) to include suitable design criteria for mid-rise housing (e.g. related to building separations, setbacks, vehicle access, visual privacy and communal open space).</p> <p>The design provisions will ensure mid-rise apartment buildings are well-designed and promote excellent amenity and liveability for residents and the community.</p>
Subdivision of MDH (Terraces) and Dual Occupancies	<p>New provisions are proposed to enable the torrens subdivision of multi dwelling housing (terraces) and dual occupancies that have been approved under the proposed low rise housing reforms. The proposed lots will need to meet appropriate size, width and access requirements.</p>
Low Rise Housing through the Complying Development Pathway	<p>The <u>Low Rise Housing Diversity Code</u> will continue to apply including to areas where low rise typologies are proposed to be permitted under the reforms.</p>

Appendix B – Landscaping provisions for mid-rise housing

Development category	Tree canopy target (min % of site area)	Deep soil target	Tree-planting rate
Residential flat buildings and Shop-top housing			
Less than 650 m ²	15%	As per Apartment Design Guide	For every 350 m ² of site area or part thereof, at least one small tree must be planted in the deep soil area
650 m ² - 1,500 m ²	15%	As per Apartment Design Guide	For every 350m ² of site area or part thereof, at least one medium tree is to be planted in the deep soil area
Greater than 1,500 m ²	20%	As per Apartment Design Guide	For every 575m ² of site area or part thereof, at least 2 medium trees or one large tree must be planted in the deep soil area

Appendix C – Landscaping provisions for low-rise housing

Development category	Lot size	Tree canopy target (min % of site area)	Deep soil target (min % of site area)	Tree-planting rate
Manor houses	<300m ²	20%	20%	For every 200m ² of site area, or part thereof, at least one small tree
	300-600m ²	25%	25%	For every 250m ² of site area, or part thereof, at least one medium tree
	>600m ²	30%	30%	For every 350m ² of site area, or part thereof, at least 2 medium trees or one large tree
Dual occupancies	<300m ²	15%	15%	At least 1 small tree, per dwelling
	300-600m ²	20%	20%	For every 200m ² of site area, or part thereof, at least one small tree
	>600m ²	25%	25%	For every 225m ² of site area, or part thereof, at least one medium tree
Multi-dwelling housing (terraces)	<1,000m ²	20%	20%	For every 300m ² , or part thereof, at least one medium tree
	1,000-3,000m ²	25%	25%	For every 200m ² , or part thereof, at least one medium tree
	>3,000m ²	30%	30%	For every 350m ² , or part thereof, at least 2 medium trees or one large tree

Min.671 C03/24-474 Draft Submission - NSW Government's Transport Oriented Development Program

Motion (Farooqui/Huang)

That Council:

1. Endorse the draft submission to the Department of Planning, Housing and Infrastructure regarding the NSW Government's Transport Oriented Development Program, as provided in Attachment 1; and
2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.

Amendment (Hughes/ Garrard)

Add the below to point 1.

Subject to the following:

- Place greater emphasis on open space within the submission.
- Omit the words 'outside of peak periods' from point 2 on page 24.

The proposed Amendment was accepted by the Mover and Seconder of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Farooqui/Huang)

That Council:

1. Endorse the draft submission to the Department of Planning, Housing and Infrastructure regarding the NSW Government's Transport Oriented Development Program, as provided in Attachment 1 subject to the following:
 - Place greater emphasis on open space within the submission.
 - Omit the words 'outside of peak periods' from point 2 on page 24.
2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.

At this point of the meeting, the Mayor, Councillor Lake suggested that as a result of the current Parliamentary Inquiry in relation to the matter, that the following additional wording may be incorporated into the Motion:

3. Provide a copy of the submission also be provided to the Legislative Council inquiry into the development of the Transport Oriented Development Program.

This was accepted by the Mover and Seconder of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Farooqui/Huang)

That Council:

1. Endorse the draft submission to the Department of Planning, Housing and Infrastructure regarding the NSW Government's Transport Oriented Development Program, as provided in Attachment 1 subject to the following:
 - Place greater emphasis on open space within the submission.
 - Omit the words 'outside of peak periods' from point 2 on page 24.
2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.
3. Provide a copy of the submission also be provided to the Legislative Council inquiry into the development of the Transport Oriented Development Program.

Amendment (Sarkis/Christou)

Add the following point:

4. Forward a copy of the submission to the relevant Ministers and Shadow Ministers and Transport for NSW.

The proposed Amendment was accepted by the Mover and Seconder of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Farooqui/Huang)

That Council:

1. Endorse the draft submission to the Department of Planning, Housing and Infrastructure regarding the NSW Government's Transport Oriented Development Program, as provided in Attachment 1 subject to the following:
 - Place greater emphasis on open space within the submission.
 - Omit the words 'outside of peak periods' from point 2 on page 24.
2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.
3. Provide a copy of the submission also be provided to the Legislative Council inquiry into the development of the Transport Oriented Development Program.
4. Forward a copy of the submission to the relevant Ministers and Shadow Ministers of Transport for NSW.

The Motion on being Put was declared **CARRIED** Unanimously.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Christou left the Meeting at 7:43pm and returned to the Meeting at 7:45pm during the consideration of this item.

Councillor Sarkis returned to the Meeting at 7:45pm following the adjournment during the consideration of this item.

Item No: C12/23-441

**LETTER FROM MINISTER FOR PLANNING REGARDING MORE HOUSING IN
LOW AND MEDIUM DENSITY ZONES - DRAFT SUBMISSION**

Directorate: Environment and Planning
Responsible Officer: Director Environment & Planning
Community Strategic Plan Goal: *Enhancing the Natural and Built Environment*

SUMMARY

On 30 October 2023, the Minister for Planning wrote to Councils seeking their support in progressing planning work to deliver more housing in low and medium density zones. This work would require Council to review current planning controls to consider the inclusion of multi-dwelling housing in the R2 Low Density Residential Zone and residential flat buildings in the R3 Medium Density Residential Zone.

Council officers have considered the contents of the Minister's letter to Council and prepared a draft submission to the Minister. The draft submission seeks to:

- Make the Minister aware of efforts already undertaken by Cumberland Council in supporting more and diverse housing aligned with infrastructure provision.
- Note that the development feasibility of housing will influence delivery rates in Cumberland, with feasibility thresholds varying across Greater Sydney.
- Advise that Council is willing to consider planning work to review policy settings on permitted housing types in low and medium density zones, subject to a range of commitments from the NSW Government.

It is recommended that Council endorse the draft submission and forward this to the Minister for Planning.

RECOMMENDATION

That Council:

1. **Endorse the draft submission to the Minister for Planning regarding more housing in low and medium density zones, as provided in Attachment 1, and forward to the Minister for consideration; and**
2. **Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.**

REPORT

On 30 October 2023, the Minister for Planning wrote to Councils seeking their support in progressing planning work to deliver more housing in low and medium density zones. In particular, the Minister's letter identified the following matters:

- NSW is in a housing crisis. Through the National Housing Accord, councils and the NSW Government are committed to working together to look at every opportunity to address this crisis. The shared task is to approve and encourage the necessary investment and commencements for 377,000 homes by 2029.
- As a way to increase our housing numbers in NSW, the NSW Government has identified a number of limitations across the residential zones constraining our ability to deliver this diverse housing in our low and medium density areas. In Greater Sydney these include:
 - Terraces, townhouses and 2 storey residential flat buildings (i.e. manor houses) are only permitted in the R2 low density residential zone in 2 of 35 Local Environmental Plans (LEPs) in Greater Sydney - just six per cent. This is despite 77 per cent of residential land being zoned R2. Even though the R3 medium density zones do allow terraces, they only make up 13% of residential land; and
 - Residential flat buildings (RFBs) are only permitted in the R3 medium density zone in 47% of LEPs. Even though the R4 high density residential zones do allow RFBs, they only make up 3% of residential land.
- We are asking councils to review their local policy settings and approaches in the interests of housing supply. I ask you to identify existing well-located areas where terraces, small unit blocks or well-designed mid-rise apartments can be permitted.

Council previously reviewed its planning controls in the last term of Council, which led to the gazettal of the Cumberland Local Environmental Plan (LEP) in November 2021. The planning work undertaken at the time considered ways to promote housing diversity and density in residential zones, with the following housing types permitted with consent under the Cumberland LEP:

- R2 Low Density Residential Zone: dual occupancies, dwelling houses and semi-detached dwellings.
- R3 Medium Density Residential Zone: attached dwellings, dual occupancies, multi-dwelling housing and semi-detached dwellings.

Based on the letter from the Minister, the permitted housing in these zones would need to be reviewed to consider the inclusion of multi-dwelling housing in the R2 Low Density Residential Zone and residential flat buildings in the R3 Medium Density Residential Zone.

It is noted that Council's strategic planning work through Cumberland 2030: Our Local Strategic Planning Statement and Cumberland Local Housing Strategy, which have

both been endorsed by the NSW Government, encourages diversity in housing supply and the provision of more housing that is aligned with infrastructure provision. Specifically, the Cumberland Local Housing Strategy identifies the need for an additional 28,000 dwellings between 2016-2036, with over 24,000 of these additional dwellings able to be provided through current planning controls, and the remaining additional dwellings being considered through existing strategic planning work at key centres and corridors.

While Council has undertaken appropriate efforts in supporting the delivery of housing supply that is aligned with infrastructure provision, the NSW Government is seeking further efforts from Council in supporting more housing as part of the National Housing Accord through planning work to support more homes in low and medium density zones. At this time, there are no current plans for this work to be undertaken by Council officers; however, the following approach is proposed for consideration by Council:

- Make the Minister aware of efforts already undertaken by Cumberland Council in supporting more and diverse housing aligned with infrastructure provision.
- Note that the development feasibility of housing will influence delivery rates in Cumberland, with feasibility thresholds varying across Greater Sydney.
- Advise that Council is willing to consider planning work to review policy settings on permitted housing types in low and medium density zones, subject to:
 - Funding being received by Council from the NSW Government to progress the relevant studies and associated planning work to support this initiative.
 - Further information from the NSW Government required on how the amenity and character of the low-density areas will be maintained for the Cumberland community.
 - A commitment from the NSW Government to provide growth infrastructure funding for areas in Cumberland where this initiative may be implemented.

A draft submission has been prepared in response to the Minister's letter for consideration by Council. It is recommended that Council endorse the draft submission and for this to be forwarded as a response by Council to the Minister's letter.

Following this letter, the NSW Government announced on 28 November 2023 proposed new planning rules to fast track low rise and mid rise housing. This is attached to the report for reference purposes. Council is awaiting further details on the proposal.

COMMUNITY ENGAGEMENT

There are no consultation processes for Council associated with this report.

POLICY IMPLICATIONS

The contents of the submission is consistent with Council's strategies, plans and policies as they relate to housing in Cumberland and Greater Sydney.

RISK IMPLICATIONS

There are no risk implications for Council associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this report.

CONCLUSION

This report provides an overview of a submission to the Minister for Planning in response to a letter received by Council regarding more housing in low and medium density zones. It is recommended that Council endorse the submission and forward this to the Minister for Planning.

ATTACHMENTS

1. Draft Submission [↓](#)
2. Letter from Minister for Planning to Council [↓](#)
3. Media Release - 28 November 2023 [↓](#)

**DOCUMENTS
ASSOCIATED WITH
REPORT C12/23-441**

**Attachment 1
Draft Submission**



CUMBERLAND
CITY COUNCIL

December 2023

Paul Scully MP
Minister for Planning and Public Spaces
GPO Box 5341
SYDNEY NSW 2001

RESPONSE BY CUMBERLAND COUNCIL REGARDING MORE HOUSING IN LOW AND MEDIUM DENSITY ZONES

I am writing in response to your letter dated 30 October 2023 regarding the provision of more housing in low and medium density zones. This submission was endorsed by Council at the meeting of 6 December 2023.

Cumberland LGA is a key part of the Central River City, with the population set to increase from 236,000 residents to over 300,000 residents by 2036. We understand the need for more and diverse housing that is aligned with infrastructure provision, and continue to work with all levels of government, the community and industry to support this outcome.

As you may be aware, Council has prepared Cumberland 2030: Our Local Strategic Planning Statement and the Cumberland Local Housing Strategy, both of which have been endorsed by the NSW Government. The Cumberland Local Housing Strategy identifies the need for an additional 28,000 dwellings between 2016-2036, with over 24,000 of these additional dwellings able to be provided through current planning controls, and the remaining additional dwellings being considered through strategic planning work at key centres and corridors. It is also noted that the development feasibility of housing will influence delivery rates in Cumberland, with feasibility thresholds varying across Greater Sydney.

Cumberland Council, together with the Department of Planning and Environment, have also recently reviewed its planning controls, which was gazetted through the Cumberland LEP in 2021. The planning work undertaken at the time considered ways to promote housing diversity and density in residential zones.

Council has considered your request to review our policy setting to allow for more and diverse housing in low and medium density zones, and is willing to consider further, subject to:

- Funding being received by Council from the NSW Government to progress the relevant studies and associated planning work to support this initiative.
- Further information from the NSW Government on how the amenity and character of the low-density areas will be maintained for the Cumberland community.
- A commitment from the NSW Government to provide growth infrastructure funding for areas in Cumberland where this initiative may be implemented.

I await your response on the matter.

Yours faithfully

Lisa Lake
MAYOR

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160
T 02 8757 9000 E council@cumberland.nsw.gov.au W cumberland.nsw.gov.au
ABN 22 798 563 329

Welcome *Belong* Succeed

**DOCUMENTS
ASSOCIATED WITH
REPORT C12/23-441**

Attachment 2

**Letter from Minister for Planning
to Council**

The Hon Paul Scully MP
Minister for Planning and Public Spaces



Ref: MDPE23/3451

Clr Lisa Lake
Mayor
PO Box 42
MERRYLANDS NSW 2160
via: lisa.lake@cumberland.nsw.gov.au

Dear Clr Lake,

I write to you regarding the need to allow for more housing in our low and medium density zones across New South Wales to help increase supply and diversity of homes we are delivering in our suburbs.

New South Wales is in a housing crisis. Through the National Housing Accord, councils and the NSW Government are committed to working together to look at every opportunity to address this crisis.

Our shared task is to approve and encourage the necessary investment and commencements for 377,000 homes by 2029.

The land use planning and assessment functions of councils and the Department will need to quickly adjust towards approaches that lead to more homes in well-located areas.

As a way to increase our housing numbers in NSW, the NSW Government has identified a number of limitations across the residential zones constraining our ability to deliver this diverse housing in our low and medium density areas. In Greater Sydney these include:

- Terraces, townhouses and 2 storey residential flat buildings (i.e. manor houses) are only permitted in the R2 low density residential zone in 2 of 35 Local Environmental Plans (LEPs) in Greater Sydney – just six per cent. This is despite 77 per cent of residential land being zoned R2. Even though the R3 medium density zones do allow terraces, they only make up 13% of residential land; and
- Residential flat buildings (RFBs) are only permitted in the R3 medium density zone in 47% of LEPs. Even though the R4 high density residential zones do allow RFBs, they only make up 3% of residential land.

The story is more mixed outside of our major cities but there are still opportunities available for the planning system to priorities low and mid-rise housing types in our main residential zones.

We are asking councils to review their local policy settings and approaches in the interests of housing supply. I ask you to identify existing well-located areas where terraces, small unit blocks or well-designed mid-rise apartments can be permitted.

Research consistently shows that there is unmet demand for additional small apartment and low-rise multi-dwelling housing options as well as purpose-built rental and affordable and social housing.

With this in mind, the Department will be realigning its resources to support councils in these initiatives and is developing a tool kit to help councils and state agencies deliver the outcomes we need. Councils shouldn't wait for this work to happen, rather I am asking you to begin work identifying locations and permitting more low and mid-rise homes immediately.

This urgency for all of us to play our part to approve and deliver housing in all parts of New South Wales brings me to my final point. The upcoming 2024 NSW local government elections are scheduled to be held on Saturday 14 September 2024. The caretaker period will begin 4 weeks before on 16 August 2024.

The NSW local government elections may have an impact on some policy and program timeframes and exhibition dates and may impact on planning assessment timeframe targets.

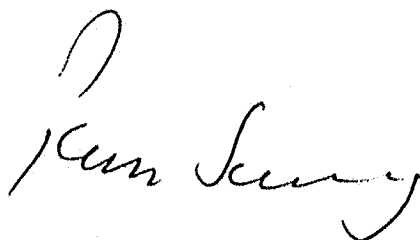
All planning assessments and other council responsibilities and operations should continue as normal until the start of the caretaker period. It is my express view that councils should continue to undertake their legal responsibilities under local government and planning legislation to make sure that we keep up the momentum on delivering the approvals for housing developments across New South Wales.

I would also request that this letter be tabled at your next council meeting so that councillors are clear about the State government's intentions on behalf of the people of NSW to deliver more low and mid-rise homes, while reminding them of their duty during election periods.

We all have a part to play in delivering on the National Housing Accord and a role in helping the next generation into home ownership or long-term rental. I urge you to look at your policy settings with the aim of expanding the number of homes in your LGA.

Should you have any questions regarding the housing reform work or to caretaker conventions for local government elections, please contact the Department at stakeholder.engagement@dpie.nsw.gov.au.

Yours sincerely



Paul Scully MP
Minister for Planning and Public Spaces

20/10/23

**DOCUMENTS
ASSOCIATED WITH
REPORT C12/23-441**

Attachment 3

**Media Release - 28 November
2023**

New planning rules to fast track low-rise and mid-rise housing

Published: 28 November 2023

Released by: Minister for Planning and Public Spaces

[Housing and construction \(/media-releases?field_topic_target_id%5B446%5D=446\)](/media-releases?field_topic_target_id%5B446%5D=446)

The Minns government is confronting the housing crisis with bold reforms to create tens of thousands of new, well-located, low-rise and mid-rise homes.

The government is announcing changes that will fast-track a greater diversity of homes like residential flat buildings of 3 to 6 storeys, terraces, townhouses, duplexes and smaller 1-storey to 2-storey apartment blocks in suburbs where they are not currently allowed.

The reforms create capacity for industry to deliver up to an estimated 112,000 new homes across the Greater Sydney region, Hunter, Central Coast and Illawarra.

This represents 30% of the number of homes NSW needs to meet under its Housing Accord target of 377,000 new homes by 2029.

Currently, each local council has its own rules for what kind of homes can be built in their area. In many local government areas, these rules do not allow the types of homes that we need for the next generation, housing close to transport, infrastructure and social amenity.

In October the government identified a significant gap in the approval of density, with terraces and 1-storey to 2-storey unit blocks allowed under R2 zoning in only 2 of 32 Local Environmental Plans (LEPs) – that’s just 6% of the LEPs across Sydney.

R2 is a zone for land which is made up of low-density housing.

This ‘missing middle’ has meant that low-rise density has been ignored in the face of a growing housing crisis.

Additionally, 60% of R3 zones across Sydney (where multi-dwelling housing is appropriate and should be encouraged) presently prohibit residential flat buildings of any scale.

Details of the proposed changes include allowing:

- dual occupancies (2 separate homes on a single lot), such as duplexes, in all R2 low-density residential zones across all of NSW.
- terraces, townhouses and 2-storey apartment blocks near transport hubs and town centres in R2 low-density residential zones across the Greater Sydney region, Hunter, Central Coast and Illawarra (the Six Cities region).
- mid-rise apartment blocks near transport hubs and town centres in R3 medium-density zones and appropriate employment zones. This will mean more housing just a short 10-minute walk (800m) from transport hubs, shops and amenities.

The government will amend a State Environmental Planning Policy (SEPP) to enact these changes while simultaneously encouraging councils to add these types of dwellings to their own planning rules.

If a local government's planning rules match – or go further than – this new NSW Government policy, the state government changes will not apply.

The government has previously written to councils, asking them to review local policy settings to allow for more housing in low-density and medium-density zones across their local government area.

National Housing Accord targets were set at the National Cabinet with all 3 levels of government represented.

The plans will go on public exhibition for public feedback from next week.

Minister for Planning and Public Spaces Paul Scully said:

“Sydney is one of the least dense cities in the world but fewer than half of councils allow for low-rise and mid-rise residential buildings in areas zoned for such homes.

“We’re confronting a housing crisis so we need to change the way we plan for more housing, we can’t keep building out we need to create capacity for more infill, with more diverse types of homes.

“Diversity of housing allows people to stay in their communities and neighbourhoods through different stages of their life, with family and friends able to live nearby. More housing choice means more options for everyone – renters, families, empty nesters.

“Density done well means townhouses, apartments and terraces clustered near shops, high streets and parks.

"We already have great examples of these types of homes. Sydney has grown using these housing types. Look at homes in Wollstonecraft, Waverton, Erskineville, parts of Wollongong or Newcastle. They're great places to live. We just need more of them."

Related ministerial media releases

Ministerial media release

9 November 2023

Proposed Macquarie Park precinct to pave way for thousands of new homes

The NSW Government proposing at least 3000 new homes for Macquarie Park as part of a plan to create a lively community in the suburb.

Ministerial media release

7 November 2023

Expanded program to fast-track housing infrastructure

The NSW Government is expanding its Urban Development Program (UDP), which includes a housing insights dashboard, following a successful pilot program.

Ministerial media release

17 October 2023

Minns Government identifies significant gap in approval of density

Terraces and 1 to 2 storey unit blocks are permitted in low density residential (R2) zoning in only 2 of 32 Local Environmental Plans (LEPs) – that's just 6% of the LEPs across Sydney. This is despite 77% of land being zoned for low density residential (R2).

Related information

Shared Equity Home Buyer Helper → (</housing-and-construction/home-buying-assistance/shared-equity>)

Min.618 C12/23-441 Letter from Minister for Planning Regarding More Housing in Low and Medium Density Zones - Draft Submission

Motion (Saha/Elmore)

That Council:

1. Endorse the draft submission to the Minister for Planning regarding more housing in low and medium density zones, as provided in Attachment 1, and forward to the Minister for consideration; and
2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.

Amendment (Huang/Farooqui)

Add a point 3 as follows:

Send a further, separate letter to the Minister of Planning expressing concern about media reports that the state government intends to impose new planning controls within 400 meters of certain train stations including Lidcombe and Berala and seek a urgent meeting to clarify their intent and discuss the feasibility and potential merit.

The proposed Amendment was accepted by the Mover and Seconder of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Saha/Elmore)

That Council:

1. Endorse the draft submission to the Minister for Planning regarding more housing in low and medium density zones, as provided in Attachment 1, and forward to the Minister for consideration; and
2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.
3. Send a further, separate letter to the Minister for Planning expressing concern about media reports that the state government intends to impose new planning controls within 400 meters of certain train stations including Lidcombe and Berala and seek an urgent meeting to clarify their intent and discuss the feasibility and potential merit.

Amendment (Garrard/Christou)

Omit the final paragraph including the three dot points of the letter and include the following:

That Council's submission be inclusive of the following advice in considering the Minister's request to review Council's policy setting to allow for more and diverse low and medium density zones.

That:

- a) The Minister be advised that Council has recently completed a review of its planning controls addressing considered ways to promote housing density and diversity in residential zones, particularly concerning R2 and R3 zonings.
- b) Council's strategies will enable an additional 24,000 dwellings by 2036, and that this increased level of housing already raises concerns about the ability of the State Government to address existing backlogs associated with the provision of infrastructure.
- c) Council respects the community's desire to maintain the existing amenity and character of its existing low-density residential areas.

Foreshadowed Amendment (Zaiter)

Omit the final paragraph and ensure that Council's submission be inclusive of Council's position that a review is not required and that Council can achieve the housing targets.

Councillor Garrard subsequently withdrew his Amendment.

The Foreshadowed Amendment then became the Amendment as follows:

Amendment (Zaiter/Cummings)

Replace point 1 with the following:

1. Redraft Council's submission to ensure that Council's submission be inclusive of Council's position that a review is not required and that Council can achieve the housing targets.

Add a point 4:

4. Send a copy of the submission to local members requesting support.

The proposed Amendment was accepted by the Mover and Seconder of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Saha/Elmore)

That Council:

1. Redraft Council's submission to ensure that Council's submission be inclusive of Council's position that a review is not required and that Council can achieve the housing targets.
2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.
3. Send a further, separate letter to the Minister for Planning expressing concern about media reports that the state government intends to impose new planning controls within 400 meters of certain train stations including Lidcombe and Berala and seek an urgent meeting to clarify their intent and discuss the feasibility and potential merit.
4. Send a copy of the submission to local members requesting support.

The Motion on being Put was declared **CARRIED** Unanimously.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore
Farooqui, Garrard, Hamed, Huang, Hughes,
Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Colman left the Meeting at 9:48pm and returned to the Meeting at 9:51pm during the consideration of this item.

Councillor Christou left the Meeting at 9:55pm and returned to the Meeting at 9:56pm during the consideration of this item.

Councillor Zaiter left the Meeting at 10:27pm and returned to the Meeting at 10:28pm during the consideration of this item.

Councillor Hussein left the Meeting at 10:39pm and returned to the Meeting at 10:43pm during the consideration of this item.

Councillor Sarkis left the Meeting at 10:44pm and returned to the Meeting at 10:45pm during the consideration of this item.