

**Submission  
No 18**

## **INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM**

**Organisation:** Georges River Council

**Date Received:** 6 March 2024

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13 March 2024

## **INQUIRY INTO DEVELOPMENT OF TOD PROGRAM**

[portfoliocommittee7@parliament.nsw.gov.au](mailto:portfoliocommittee7@parliament.nsw.gov.au)

### **Submission from Georges River Council on Inquiry into development of the TOD Program**

I refer to the parliamentary inquiry that has been initiated to review the Development of the Transport Oriented Development Program.

Please find attached

- Council letter dated 23 February 2024 to the Acting Deputy Secretary, Department of Planning, Housing and Infrastructure on the Transit Orientated Development State Environmental Planning Policy; and
- Council letter dated 23 February 2024 the Acting Deputy Secretary, Department of Planning, Housing and Infrastructure on the Housing Reforms – Explanation of Intended Effect: Changes to create low and mid-rise housing.

Please treat the attached submissions as a submission to the parliamentary inquiry to review the Development of the Transport Oriented Development Program.

Should you require any further information, please contact me on (02) 9330 6260.

Yours sincerely,

Catherine McMahon  
**Manager Strategic Planning**

File Reference: D24/48584

23 February 2024

The TOD Team  
Ms Monica Gibson  
Acting Deputy Secretary  
Department of Planning, Housing and Infrastructure

Via email:

Dear Ms Gibson,

**Georges River Council Final Submission – Part 2 of the Transit Orientated Development (TOD) State Environmental Planning Policy (SEPP)**

Thank you for the opportunity to provide feedback on Part 2 of the Transit Orientated Development (TOD) – SEPP. Council lodged a submission on the TOD SEPP to the Department of Planning, Housing and Infrastructure's (DPHI) TOD team on 31 January 2024 and advised that a final submission would be made following consideration of a report on the NSW Housing Reforms at an Extraordinary Council meeting on 12 February 2024.

At its Extraordinary meeting on 12 February 2024, Council considered a report outlining the NSW Housing Reforms, comprising the Infill Affordable Housing, Transport Oriented Development program, and Low and Mid-Rise Housing, and their implications on the Georges River Local Government Area (LGA). Council resolved:

- a) *That Council acknowledges the Housing Reforms undertaken by the NSW State Government to assist with the delivery of 314,000 new homes by 2029 across NSW, through the following:*
  - i. *Infill Affordable Housing within the State Environmental Planning Policy (Housing) 2021 – in force from 14 December 2023*
  - ii. *Transport Oriented Development State Environmental Planning Policy (TOD SEPP) – draft and anticipated to come into effect April 2024*

- iii. *Low and Mid-Rise Housing – draft and on consultation until 23 February 2024*
- b) **In respect of the proposed TOD SEPP, that Council:**
  - i. **Note its impacts on Kogarah railway station precinct are limited to those areas zoned R4 High Density Residential in the Kogarah North Precinct.**
  - ii. **Write to the Department of Planning, Housing and Infrastructure (DPHI) raising concerns to any variation to the design criteria in the Apartment Design Guide for TOD related development due to the impacts on the amenity of both the apartment occupants and neighbouring buildings.**
  - iii. **Write to the DPHI requesting funding for the development of a master plan for the MU1 and SP zoned land in the Kogarah Strategic Centre in order to support the objectives of the TOD SEPP and to promote the role of Kogarah as a Strategic Centre.**
- c) *That Council welcome the opportunity for increased housing capacity and diversity created by the proposed Low and Mid-Rise Housing Reform, though express concerns regarding the blanket 'one-size-fits-all' nature of the Reform and its impact on the local character of the Georges River Local Government Area (LGA).*
- d) *That Council request the DPHI to defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River LGA so Council is given the opportunity to review its Local Strategic Planning Statement (LSPS) to create capacity for additional and diverse housing through the creation of new R3 and R4 zones within the following 12 precincts:*
  - i. *Hurstville Railway Station and Hurstville City Centre (Strategic Centre)*
  - ii. *Kogarah Railway Station and Kogarah Town Centre (Strategic Centre)*
  - iii. *Beverly Hills Railway Station and Beverly Hills (King Georges Road) Local Centre*
  - iv. *Kingsgrove Railway Station and Kingsgrove (Kingsgrove Road) Local Centre*
  - v. *Mortdale Railway Station and Mortdale (Morts Road) Local Centre*
  - vi. *Penshurst Railway Station and Penshurst (Penshurst Street) Local Centre*
  - vii. *Riverwood (Belmore Road) Local Centre*
  - viii. *South Hurstville (King Georges Road) Local Centre*
  - ix. *Oatley Railway Station and Oatley (Mulga Road) Local Centre*
  - x. *Allawah Railway Station*
  - xi. *Carlton Railway Station*
  - xii. *Narwee Railway Station*
- e) *That Council respond to the DPHI's request for the nomination of "station and town centre precincts" as being the 12 precincts as identified in Recommendation (d) above.*
- f) *That Council note the request to defer the Low and Mid-Rise Housing Reform in Recommendation (d) above is due to the following concerns:*
  - (i) *Overriding the master planning work that has been completed by Council in conjunction with the community for the Mortdale and Beverly Hills Local Centres,*



- (ii) *Providing uplift to centres that fall within the definition of “station and town centre precincts” without the appropriate master planning being in place to address community concerns of public domain and infrastructure provision,*
  - (iii) *Providing capacity for up to 150,000 additional dwellings within the Georges River LGA without considerations of the availability of infrastructure to support this growth,*
  - (iv) *Increasing housing capacity by permitting development on smaller allotments with greater height and FSR. This will result in changes to the low-density character of the LGA’s suburbs, loss of trees and canopy cover on private land, replacement of on street parking with driveways and increased traffic impacts due to additional density,*
  - (v) *Permitting manor housing and multi-unit housing in the R2 Low Density Residential Zone and residential flat buildings (up to 6 storeys) in the R3 Medium Density Residential Zones in “station and town centre precincts” undermines the existing LSPS 2040 and the criteria for growth that was developed with the Georges River community,*
  - (vi) *Permitting manor houses and multi dwelling housing in the R2 Zone and residential flat buildings (of 3 to 6 storeys) in the R3 Zone in “station and town centre precincts” undermines the hierarchy of residential zones developed with the community through the LSPS 2040 and implemented through the GRLEP,*
  - (vii) *Applying the Low- and Mid-Rise Housing Reforms to Heritage Conservation Areas will compromise the social, built and cultural significance of these areas by permanently altering the historical subdivision pattern and character of the built form,*
  - (viii) *Applying the minimum lot width of 12m and minimum site area of 450sqm for dual occupancy development across the LGA is a significant reduction from the existing GRLEP requirements of minimum 15m lot width and minimum site area of 650sqm and 1,000sqm outside and within the Foreshore Scenic Protection Area (FSPA) respectively.*
  - (ix) *The Reforms do not address the existing infrastructure shortage that currently exists including insufficient open space, community centres, sports courts and libraries, which will put more pressure on Council to address both existing and future populations.*
- g) *That Council resolve to amend the Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 and Section 7.12) to address the potential increase in resident and worker population as a result of the Housing Reforms.*
- h) *That Council advise DPHI of its intention to amend the Section 7.11 and Section 7.12 Contribution Plans to address the potential increase in resident and worker population as a result of the Housing Reform program.*
- i) *That Council seek funding from DPHI to fund:*



- i. *The required amendments to its Section 7.11 and Section 7.12 Contribution Plans, and*
- ii. *The preparation of master plans for each of the “station and town centre precincts” identified in Recommendation (d) above to ensure that growth is accompanied by the required upgrades to public open space and community facilities, public domain, traffic and pedestrian improvements, drainage, and infrastructure generally.*

Council acknowledges the new SEPP aims to create sustainable and connected cities now and in future generations. The TOD Program will focus on precincts that have existing infrastructure and are located within 400m of certain railway stations across Sydney. There is one location proposed in the Georges River LGA: Kogarah.

It is noted that the TOD SEPP is likely to have minimal impact on Kogarah as much of the area within 400m of the station is zoned MU1. Furthermore, the existing controls for the MU1 zone under the *Georges River Local Environmental Plan (GRLEP) 2021* (39m, FSR 4.5:1) exceed those proposed under the SEPP (21m, FSR 3:1). Similarly, the affected R4 zone in Kogarah permits a greater height and FSR under the GRLEP 2021 (33m, FSR 4:1) than the SEPP (21m, FSR 3:1). Nevertheless, Council has reviewed the document titled ‘*Transport Orientated Development Program*’ published by the NSW Government in December 2023 and identified areas that would benefit from further consideration and clarification, including specific feedback sought from the DPHI on the proposed planning controls from the DPHI’s Council staff briefing held on 23 January 2024.

A summary of Council’s concerns include:

- **Shop top housing in MU1 zone:** the application of the MU1 zone to the TOD SEPP is not supported as it could displace employment floor space and make it difficult for Council to meet job targets set out in the District Plan and for Kogarah to maintain its role as a Health and Education Precinct. Application of the SEPP to E1 and E2 zones should be required to comply with Council’s minimum non-residential FSR requirements in the GRLEP 2021.
- **Amenity and design controls:** Clarification is sought on how the design controls for development under Part 2 of the TOD Program will be implemented. Concern is raised if the design requirements for development under this SEPP will be implemented via the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). The Housing Reforms relating to low and mid-rise housing will further undermine the ADG as the proposed standards (in privacy and building separation) are less stringent than the ADG. Without compliance with the ADG, Council’s primary concern is that in a housing sector where the majority of the developments are being provided by the private sector, new developments of very poor quality will ultimately filter down to every scale of development due to the precedent this will set.



The removal of the requirement for developments to comply with the ADG will result in adverse amenity outcomes such as the reductions in building separation leading to privacy and overshadowing issues, reduction in the number of units with adequate solar access and cross ventilation leading to poor environmental quality, which in turn causes increased reliance on mechanical heating and cooling in an unsustainable manner.

Under the proposed changes, Council will have no power to enforce the ADG's Design Criteria, resulting in apartment developments with the worse amenity to date being developed in NSW.

- **Affordable housing:** Council requires more information in relation to the three delivery options for affordable housing, such as what are the rates and how are they calculated for the monetary contribution of 2%, how the 6% is calculated and what mix of housing is required and what assistance the State Government will be providing to Council in relation to developers dedicating affordable housing to Council. In addition, monetary contributions received by councils for affordable housing should not be restricted to being spent in the same suburb as the development from which the funds are collected from. Councils should be given the flexibility to provide affordable housing in suitable areas where they are most needed.
- **Infrastructure provision:** The TOD SEPP will result in a significant increase in the local population and demand for local infrastructure and community facilities which the TOD SEPP has not addressed. Council local infrastructure contributions plans do not account for the proposed development and associated increase in population from the TOD SEPP. As such, contribution plans do not include all the facilities and services that would be required to address and support the resulting development. Funding from the DPHI is requested to make amendments to Council's Local Infrastructure Contributions Plan to ensure growth is accompanied by the required upgrades to public open space and community facilities, public domain, traffic and pedestrian improvements, drainage, and infrastructure generally.
- **Master planning:** It is noted that the TOD SEPP will remain in place until Councils have finalised their strategic plans. Council has not been able to fund the preparation of a master plan for Kogarah. Funding from the DPHI is requested to assist Council to undertake a master plan for Kogarah.

Further details in relation to Council's concerns on Part 2 of the Transit Orientated Development (TOD) – SEPP is provided in **Attachment A**.



Council appreciates the opportunity to discuss our concerns with you including Council resolution item (b)(iii) which is to request funding (from DHPI) for the development of a master plan for the MU1 and SP zoned land in the Kogarah Strategic Centre in order to support the objectives of the TOD SEPP and to promote the role of Kogarah as a Strategic Centre.

If you require any further explanation of the issues raised in this submission, please do not hesitate to contact

Yours faithfully

Catherine McMahon  
**Manager Strategic Planning**

Attachments Encl.

1. Council's concerns on Part 2 of the Transit Orientated Development (TOD) – SEPP.





## **Georges River Council Submission – Part 2 of the Transit Orientated Development (TOD) – SEPP**

### **1. To permit shop top housing in mixed use zoned areas (MU1)**

Feedback is sought on whether the SEPP should apply to MU1 Mixed Use Zones. It is noted the proposed changes will apply to all residential R1, R2, R3 and R4 zones and to local and commercial zones (E1 and E2) within 400m of Kogarah Station. Council does not support the inclusion of the MU1 zone in the SEPP as the focus of the SEPP is on the delivery of additional housing. Within the Georges River LGA, the MU1 zone is applied to the Strategic Centres of Hurstville and Kogarah and is intended to encourage a diversity of land uses that generate employment opportunities. By emphasising housing delivery as the sole focus of development in the Kogarah Strategic Centre, the SEPP could displace employment floor space and make it difficult for Council to meet job targets set out in the District Plan and for Kogarah to maintain its role as a Health and Education Precinct. The application of the MU1 zone is also inconsistent with Council's Commercial Centres Strategy which requires minimum non-residential floor space requirements to meet the 2036 projections for employment floorspace demand. Furthermore, application of the SEPP in the E1 and E2 zones should be required to comply with Council's minimum non-residential FSR requirements in the GRLEP 2021.

**Recommendation:** Do not apply the MU1 zone to the TOD SEPP as it would have a negative impact on the provision of commercial floor area. Application of the SEPP to the E1 and E2 zones should be required to comply with Council's minimum non-residential FSR requirements in the GRLEP 2021.

### **2. Amenity and design controls**

Council understands the following amenity and design controls will apply to development proposed under the TOD SEPP:

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

Council has reviewed the proposed controls and raised the following issues:

*Building Separation:* the reduced minimum building separation requirements for 5 and 6 storey buildings to match the current requirements for up to 4 storeys

will result in a building form that is bulky with less set back from neighbouring buildings.

*Setback:* the proposed reforms will result in reduced setbacks than Council's *Georges River Development Control Plan (GRDCP) 2021*.

*Communal open space:* the reduction in communal open space requirement from minimum 25% area to a maximum of 25% of the Apartment Design Guide (ADG) will impact on the outdoor recreation opportunities for residents, reduce the "breathing spaces" between apartment buildings and reduce the appeal of apartment buildings and the well-being of residents. Apartment residents will need to rely on public open space to compensate for the lack of communal open space, which will place further pressure on Council's existing parks and reserves. There is already an existing shortage of public open space within Kogarah.

*Carparking:* it is noted that the SEPP proposes maximum car parking rates, however no parking rates have been provided. Council does not have maximum parking rates in its DCP. However, for residential flat buildings within 800m of the Kogarah Railway Station, Council's DCP does not apply – the Guide to Traffic Generating Developments overrules Council's DCP.

It is not clear how the design controls for development under Part 2 the TOD program will be implemented in the new SEPP. Further information on implementation is required. Concern is raised if the design requirements for development under this SEPP will be implemented via the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

Council understands the ADG has been relocated to Schedule 9 – Design Principles for residential apartment development of the Housing SEPP. In its relocation to the Housing SEPP, the applicability of the ADG has been watered down. Section 147 (3) of the Housing SEPP now states that a consent authority does not have to require compliance with design criteria specified in the ADG in considering a development application (DA) or modification application for a residential apartment development.

The original purpose of the Design Criteria within the ADG was to provide a quantitative benchmark and a numerical representation of the Design Quality Principles of SEPP 65. By repealing SEPP 65 and including the design principles in the Housing SEPP, good design and the amenity of residential apartments will be undermined.

The Housing Reforms relating to low and mid-rise housing will further undermine the ADG as the proposed standards (in privacy and building separation) are less stringent than the ADG. Without compliance with the ADG, Council's primary concern is that in a housing sector where the majority of the developments are being provided by the private sector, new developments of very poor quality will ultimately filter down to every scale of development due to the precedent this will set.

The removal of the requirement for developments to comply with the ADG will result in adverse amenity outcomes such as the reductions in building separation leading to

privacy and overshadowing issues, reduction in the number of units with adequate solar access and cross ventilation leading to poor environmental quality, which in turn causes increased reliance on mechanical heating and cooling in an unsustainable manner.

Under the proposed changes, Council will have no power to enforce the ADG's Design Criteria, resulting in apartment developments with the worse amenity to date being developed in NSW. This will be further exacerbated by the Land and Environment Court's liberal application of legislative controls, which will ultimately lead to the irrelevance of the ADG and the redundancy of essential amenity outcomes that is currently guaranteed for apartment occupants.

**Recommendation:** Council requests the removal of subsection 3 of Section 147 as follows:

***147 Determination of development applications and modification applications for residential apartment development.***

~~(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.~~

**3. Affordable housing**

Council understands the NSW Government will establish inclusionary zoning around Kogarah Station to deliver affordable housing. A mandatory minimum 2% affordable housing contribution will apply for all new developments.

As stated above, height and FSRs within Kogarah are higher under the GRLEP 2021 than those proposed in the TOD SEPP but there is no inclusionary zoning for affordable housing under Council's LEP.

It is not clear in the 'Transport Orientated Development Program' document whether developers will need to provide the 2% affordable housing if development is carried out within 400m of Kogarah Station and utilises Council's planning controls as opposed to the controls in the TOD SEPP. Council has resolved to prepare an LGA wide Affordable Housing Contribution Scheme (AHCS) and it is unclear how the affordable housing requirements under Council's LEP and the TOD SEPP will work.

At the Council staff briefing, feedback was sought on the three delivery options for affordable housing, including providing a monetary contribution of 2% in lieu of Council delivering affordable housing, or providing 6% of units on site as affordable housing, or the developer dedicating affordable housing to Council. Council requires more information on the following to be able to provide a response on the three options:

- In relation to the monetary contribution of 2% - what are the rates and how are they calculated, for example, is the 2% of market value or Capital Investment Value (CIV)?

- In relation to the 6% of units to be provided on site as affordable housing – how is this calculated and what mix of housing is required? An alternative preferred method of calculation would be a percentage of total gross floor area, consistent with the intention for Council’s AHCS and the AHCS previously prepared for the Mortdale Master Plan.
- In relation to developers dedicating affordable housing to Council, what assistance will the State Government be providing to councils, acknowledging that many councils do not have the resources to manage affordable housing.

Furthermore, monetary contributions received by councils for affordable housing should not be restricted to being spent in the same suburb as the development from which the funds are collected from. Councils should be given the flexibility to provide affordable housing in suitable areas where they are most needed.

**Recommendation:** Clarification is sought on the three options for affordable housing as discussed above.

#### **4. Infrastructure provision**

The TOD SEPP will result in a significant increase in the local population and demand for local infrastructure and community facilities which the TOD SEPP has not addressed. Council local infrastructure contributions plans do not account for the proposed development and associated increase in population from the TOD SEPP. As such, contribution plans do not include all the facilities and services that would be required to address and support the resulting development.

**Recommendation:** DPHI to fund the required amendments to Council’s Local Infrastructure Contributions Plan and to prepare a master plan for the Kogarah Strategic Centre to ensure growth is accompanied by the required upgrades to public open space and community facilities, public domain, traffic and pedestrian improvements, drainage, and infrastructure generally.

#### **5. Master planning**

It is noted that the TOD SEPP will remain in place until councils have finalised their strategic plans. Council has not been able to fund the preparation of a master plan for Kogarah. Funding from the DPHI is requested to assist Council to undertake a master plan for Kogarah.

**Recommendation:** as above.

#### **6. Other miscellaneous issues identified from the Council staff briefing on 23 January 2023**

*Lack of public consultation:* Council notes the lack of formal consultation on the TOD SEPP and impact on Council staff, residents, and Councillors on these reforms which are significant.

*Lack of information to support changes:* Council sought clarification on the modelling and studies to support the proposed changes, including selected locations and planning controls. Council could not be provided with supporting information, detailed studies and analysis to support the proposed changes under the TOD SEPP.

*Heritage impact:* Council is concerned the proposed SEPP applies to Heritage Conservation Areas (HCA), creating uncertainty for councils and the community with conflicts between heritage protection and the provision of housing.

*400m radius:* Council also sought clarification on how the 400m radius is measured. From the Council briefing, it is understood the 400m is measured as the crow flies and includes complete lots. Council requests this information be provided to the community to avoid any confusion on the application of the SEPP.

File Reference: D24/43515 and D24/43544

23 February 2024

Ms Monica Gibson  
Deputy Secretary  
Planning and Land Use Strategy and Housing  
Department of Planning, Housing and Infrastructure

Via email:

Dear Ms Gibson,

**Georges River Council Submission – Housing Reforms (*Explanation of Intended Effect: Changes to create low-and mid-rise housing*)**

Thank you for the opportunity to provide feedback on the *Explanation of Intended Effect (EIE): Changes to create low-and mid-rise housing* (December 2023) which is on exhibition until 23 February 2024.

At its extraordinary meeting on 12 February 2024, Council considered a report outlining the NSW Housing Reforms, comprising the Infill Affordable Housing, Transport Oriented Development program, and Low and Mid-Rise Housing, and their implications on the Georges River Local Government Area (LGA). Council resolved:

- a) *That Council acknowledges the Housing Reforms undertaken by the NSW State Government to assist with the delivery of 314,000 new homes by 2029 across NSW, through the following:*
  - i. *Infill Affordable Housing within the State Environmental Planning Policy (Housing) 2021 – in force from 14 December 2023*

- ii. *Transport Oriented Development State Environmental Planning Policy (TOD SEPP) – draft and anticipated to come into effect April 2024*
  - iii. *Low and Mid-Rise Housing – draft and on consultation until 23 February 2024*
- b) *In respect of the proposed TOD SEPP, that Council:*
- i. *Note its impacts on Kogarah railway station precinct are limited to those areas zoned R4 High Density Residential in the Kogarah North Precinct.*
  - ii. *Write to the Department of Planning, Housing and Infrastructure (DPHI) raising concerns to any variation to the design criteria in the Apartment Design Guide for TOD related development due to the impacts on the amenity of both the apartment occupants and neighbouring buildings.*
  - iii. *Write to the DPHI requesting funding for the development of a master plan for the MU1 and SP2 zoned land in the Kogarah Strategic Centre in order to support the objectives of the TOD SEPP and to promote the role of Kogarah as a Strategic Centre.*
- c) *That Council welcome the opportunity for increased housing capacity and diversity created by the proposed Low and Mid-Rise Housing Reform, though express concerns regarding the blanket ‘one-size-fits-all’ nature of the Reform and its impact on the local character of the Georges River Local Government Area (LGA).*
- d) *That Council request the DPHI to defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River LGA so Council is given the opportunity to review its Local Strategic Planning Statement (LSPS) to create capacity for additional and diverse housing through the creation of new R3 and R4 zones within the following 12 precincts:*
- i. *Hurstville Railway Station and Hurstville City Centre (Strategic Centre)*
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  - ix. *Oatley Railway Station and Oatley (Mulga Road) Local Centre*
  - x. *Allawah Railway Station*



- xi. *Carlton Railway Station*
- xii. *Narwee Railway Station*
- e) *That Council respond to the DPPI's request for the nomination of "station and town centre precincts" as being the 12 precincts as identified in Recommendation (d) above.*
- f) *That Council note the request to defer the Low and Mid-Rise Housing Reform in Recommendation (d) above is due to the following concerns:*
  - (i) *Overriding the master planning work that has been completed by Council in conjunction with the community for the Mortdale and Beverly Hills Local Centres,*
  - (ii) *Providing uplift to centres that fall within the definition of "station and town centre precincts" without the appropriate master planning being in place to address community concerns of public domain and infrastructure provision,*
  - (iii) *Providing capacity for up to 150,000 additional dwellings within the Georges River LGA without considerations of the availability of infrastructure to support this growth,*
  - (iv) *Increasing housing capacity by permitting development on smaller allotments with greater height and FSR. This will result in changes to the low-density character of the LGA's suburbs, loss of trees and canopy cover on private land, replacement of on street parking with driveways and increased traffic impacts due to additional density,*
  - (v) *Permitting manor housing and multi-unit housing in the R2 Low Density Residential Zone and residential flat buildings (up to 6 storeys) in the R3 Medium Density Residential Zones in "station and town centre precincts" undermines the existing LSPS 2040 and the criteria for growth that was developed with the Georges River community,*
  - (vi) *Permitting manor houses and multi dwelling housing in the R2 Zone and residential flat buildings (of 3 to 6 storeys) in the R3 Zone in "station and town centre precincts" undermines the hierarchy of residential zones developed with the community through the LSPS 2040 and implemented through the GRLEP,*
  - (vii) *Applying the Low- and Mid-Rise Housing Reforms to Heritage Conservation Areas will compromise the social, built and cultural significance of these areas by permanently altering the historical subdivision pattern and character of the built form,*
  - (viii) *Applying the minimum lot width of 12m and minimum site area of 450sqm for dual occupancy development across the LGA is a significant*





*reduction from the existing GRLEP requirements of minimum 15m lot width and minimum site area of 650sqm and 1,000sqm outside and within the Foreshore Scenic Protection Area (FSPA) respectively.*

- (ix) The Reforms do not address the existing infrastructure shortage that currently exists including insufficient open space, community centres, sports courts and libraries, which will put more pressure on Council to address both existing and future populations.*
- g) That Council resolve to amend the Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 and Section 7.12) to address the potential increase in resident and worker population as a result of the Housing Reforms.*
- h) That Council advise DPHI of its intention to amend the Section 7.11 and Section 7.12 Contribution Plans to address the potential increase in resident and worker population as a result of the Housing Reform program.*
- i) That Council seek funding from DPHI to fund:
  - i. The required amendments to its Section 7.11 and Section 7.12 Contribution Plans, and*
  - ii. The preparation of master plans for each of the “station and town centre precincts” identified in Recommendation (d) above to ensure that growth is accompanied by the required upgrades to public open space and community facilities, public domain, traffic and pedestrian improvements, drainage, and infrastructure generally.**

In relation to item (b) of the Council resolution, Council lodged a submission on the TOD SEPP to the DPHI’s TOD team on 31 January 2024. Council will be lodging a separate and final submission on the TOD SEPP this month following Council’s resolution of 12 February 2024.

As indicated in item (c) of the Council resolution, Council welcomes the opportunity for increased housing capacity and diversity created by the proposed Low and Mid-Rise Housing Reform as a way to address the current housing crisis. However, Council raises concerns regarding the blanket ‘one-size-fits-all’ nature of the Reform and its impact on the local character of the Georges River LGA.

While Council supports increased densities in the right places, the concern with the proposed Low and Mid-Rise Housing Reforms ‘one size’ fits all approach is it will undermine the integrity of Council’s planning framework and extensive work that Council has undertaken in planning for co-ordinated and orderly growth within the LGA through the development and implementation of the *Georges River Local Strategic Planning Statement (LSPS) 2040, Georges River Local Environmental Plan*



(GRLEP) 2021, town centre master plans (namely for Mortdale and Beverly Hills), and other strategic planning studies.

Furthermore, the broad brush approach of the Reforms does not consider particular characteristics of the LGA and constraints that need to be considered when developing housing, such as heritage, biodiversity, foreshore, flooding, high pressure gas pipelines and traffic.

The EIE proposes non-refusal standards for housing that will override local planning controls for height and FSR. The non-refusal standards in the EIE, do not consider local character or conditions, all of which are necessary to ensure good amenity and design outcomes for both individual dwellings and localities. The non-refusal standards have not been tested for site suitability in the same way that development standards are during a planning proposal or a master planning process. The height and FSR proposed in the Reforms are mismatched with the FSR for most of the housing types not being able to be accommodated within the height limit. The Housing Reforms will impact on Council's development assessment process, resulting in Clause 4.6 variations, in inconsistent outcomes, cumulative impacts and more complex and delayed assessments with appeals and counter-appeals that are costly and time-consuming.

The Low and Mid-Rise Housing Reform will also increase the capacity for housing numbers and housing styles across the LGA by permitting dual occupancies, multi dwelling housing, manor houses and residential flat buildings (RFBs) where they are currently prohibited under the GRLEP 2021. Through more generous planning controls than Council's LEP, the Reforms also enable larger developments on smaller lots with greater height and FSR and less landscaping when compared to the provisions of the GRLEP. Council raises concerns in relation to the loss of character and amenity in these areas, particularly in existing low-density areas.

Council has been active in increasing housing capacity in the LGA. A total of five (5) housing investigation areas (HIA) identified in Council's LSPS were upzoned as part of the GRLEP, creating the opportunity for the delivery of approximately 650 medium and high density dwellings in accessible locations across the LGA. Council as part of LEP 2021 also upzoned the Narwee Housing Investigation Area which created capacity for an additional 310 dwellings in the form of both medium and high density development.

Since these areas were upzoned in October 2021, no development applications have been received by Council. Council can only determine the applications before them and if industry is lodging fewer applications because of softer market conditions, that is outside of Council's control. No amount of broad scale upzoning will increase housing delivery or resolve the current housing crisis. The NSW Government needs to address why development has not been taken up and to resolve other issues such

as infrastructure provision, availability of public housing, location and access to essential services, cost of construction materials and labour.

Further details in relation to Council's concerns on the *EIE: Changes to create low and mid rise housing* is provided in **Attachment A**.

Given the impact of these Reforms, Council requests the DPHI to defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River LGA to provide Council the opportunity to review its strategic planning framework through an update of its LSPS to create capacity for additional and diverse housing. Council wishes to work with the NSW State Government through this process.

Council is willing to assist in addressing the housing crisis but wishes to review its controls and develop/implement a planning framework that considers local character, environmental/biodiversity and infrastructure needs. A State-wide mandated approach as proposed under the Reforms does not allow local considerations to be taken into account in planning for the future supply of housing.

In response to the DPHI's request for nominating "station and town centre precincts", Council has nominated 12 precincts as identified in item (d) of the Council resolution. In accordance with item (i) of the Council resolution, Council also requests funding from the DPHI for the preparation of master plans for each of the "station and town centre precincts" to ensure that growth is accompanied by the required upgrades to public open space and community facilities, public domain, traffic and pedestrian improvements, drainage, and infrastructure generally.

Given the implications of the Reforms on Council's ability to meet the infrastructure needs of a population not originally planned for across the Georges River LGA, Council will need to amend its Contributions Plan to identify measures to address existing gaps in the supply of infrastructure and to ensure the delivery of local infrastructure occurs at a rate that will keep up with the anticipated growth under the Housing Reforms. Accordingly, Council requests funding from the DPHI to amend its Section 7.11 and Section 7.12 Contributions Plan in accordance with item (i) of the Council resolution.

I would appreciate the opportunity to discuss our concerns and requests with you and to determine the process required to "turn off the SEPP" in the LGA where master planning has already been progressed or completed.

To support this request for delivery of housing, I will be sending you further information in early April on Council's short to medium commitment to meeting the NSW Government's housing agenda.



If you require any further explanation of the issues raised in this submission and to arrange a suitable time to meet, please do not hesitate to contact

Yours faithfully

David Tuxford  
**General Manager**





## Georges River Council Submission – Low and Mid-Rise Housing Reforms

### Key Issues

- (i) ***Overriding the master planning work that has been completed by Council in conjunction with the community for the Mortdale and Beverly Hills Local Centres.***
- (ii) ***Providing uplift to centres that fall within the definition of “station and town centre precincts” without the appropriate master planning being in place to address community concerns of public domain and infrastructure provision.***

The proposed Reforms will create additional housing (in the form of shop top housing) in the R4 High Density Residential, E1 Local Centre and MU1 Mixed Use zones by introducing non-refusal standards for shop top housing, impacting on Council's centres.

Council understands the Department of Planning, Housing and Infrastructure (DPHI) is seeking feedback from Councils to determine which E1 and MU1 centres contain an appropriate level of goods, services and amenities, such as full line supermarkets, shops and restaurants. It is recommended the LGA's Strategic Centres and Local Centres be included in the list of “station and town centre precincts”.

Council has nominated 12 precincts as “station and town centre precincts” in accordance with the criteria provided in the DPHI's *Explanation of Intended Effect: Changes to create low and mid-rise housing* (the EIE) dated December 2023 as they have been identified as Strategic and Local Centres by the *Georges River Commercial Centres Strategy* (2020).

Strategic and Local Centres are defined by the Strategy as follows:

- *Strategic Centres are the highest order centre in Georges River, comprising a mix of retail, commercial, administrative and community facilities. These centres are large employment/economic generators with wide catchments.*
- *Local Centres provide essential access to day-to-day goods and services close to where people live. They typically are located in proximity to public*

*transport and transport interchanges, increasing their access to the surrounding community. Local centres provide a mix of retail, commercial and community space with retail space typically being over 5,000sqm and anchored by one or two supermarkets over 1,000sqm.*

In summary, the following 12 centres and railway stations are nominated in Council’s response to the DPHI’s request for feedback on the “station and town centre precincts”:

- (i) Hurstville Railway Station and Hurstville City Centre (Strategic Centre)
- (ii) Kogarah Railway Station and Kogarah Town Centre (Strategic Centre)
- (iii) Beverly Hills Railway Station and Beverly Hills (King Georges Road) Local Centre
- (iv) Kingsgrove Railway Station and Kingsgrove (Kingsgrove Road) Local Centre
- (v) Mortdale Railway Station and Mortdale (Morts Road) Local Centre
- (vi) Penshurst Railway Station and Penshurst (Penshurst Street) Local Centre
- (vii) Riverwood (Belmore Road) Local Centre
- (viii) South Hurstville (King Georges Road) Local Centre
- (ix) Oatley Railway Station and Oatley (Mulga Road) Local Centre
- (x) Allawah Railway Station
- (xi) Carlton Railway Station
- (xii) Narwee Railway Station.

Council has adopted the Mortdale Master Plan and is progressing the Beverly Hills Master Plan. The EIE as proposed is likely to have significant implications for the desired outcomes of these projects and undermine the placed based approach that Council has undertaken in master planning these local centres.

The table below shows the potential impact of the Reforms with the discrepancy with the Master Plans:

<b>Non-refusal standards in EIE</b>	<b>Mortdale Master Plan</b>	<b>Beverly Hills Master Plan</b>
<b>FSR</b> Within 400m FSR: 3:1  Within 800m FSR: 2:1	<b>FSR</b> Within 400m <ul style="list-style-type: none"> <li>• E1 zone - north of railway line: 1.5:1 and 2.5:1</li> </ul>	<b>FSR</b> Within 400m <ul style="list-style-type: none"> <li>• E1 zone - eastern side of KGR: 2.5:1 (base FSR) and 3:1 (gateway sites)</li> </ul>

Non-refusal standards in EIE	Mortdale Master Plan	Beverly Hills Master Plan
	<ul style="list-style-type: none"> <li>E1 zone - south of railway line: no change to FSR (2.5:1).</li> <li>R4 zone: 1:1</li> <li>R3 zone: 0.7:1</li> </ul>	<ul style="list-style-type: none"> <li>E1 zone - western side of KGR: 3:1 (base FSR) and 3.5:1 (sites with laneway widening and 20m frontage, and gateway sites)</li> </ul>
<p><b>Height</b> Within 400m Height: 21m</p> <p>Within 800m Height: 16m</p>	<p><b>Height</b> Within 400m</p> <ul style="list-style-type: none"> <li>E1 zone - north of railway line: 15m and 22m</li> <li>E1 zone - south of railway line: 22m</li> <li>R4 zone: 13m</li> <li>R3 zone: 9m</li> </ul>	<p><b>Height</b> Within 400m</p> <ul style="list-style-type: none"> <li>E1 zone - eastern side of KGR: 21m (base height) and 28m (gateway sites)</li> <li>E1 zone - western side of KGR: 21m (base height), 24.1m (sites with laneway widening and 20m frontage, and gateway sites) and 31.4m (gateway sites)</li> </ul>

The EIE does not provide any design testing for the proposed 21m height control and the proposed FSR of 3:1. Council's testing for the Mortdale Master Plan shows that six storeys requires a height of approximately 22m to meet contemporary building standards, and a maximum FSR of 2.5:1. The mismatch between the proposed height of building and FSR controls means that buildings will be bulky, setbacks to boundaries insufficient for the scale, and there will be significant impacts upon deep soil and tree canopy. The standardised approach under the Housing Reforms does not consider local character or the conditions of the site; all of which are necessary to ensure good amenity for both the occupant of the dwelling and the surrounding dwellings.

The Mortdale Master Plan (option 1A) was endorsed by Council in October 2023 which provides for a gradual redevelopment of Mortdale focused on the potential development within 400m walking distance of Mortdale Station. The Master Plan aims to deliver an additional 578 residential dwellings and 27,685m<sup>2</sup> of total non-residential gross floor area.

The preparation of the Beverly Hills Master Plan commenced in 2018 and was based on extensive stakeholder community engagement undertaken by Council between 2018 and 2020. The draft Master Plan sought to establish a vision for

Beverly Hills and to provide an urban design framework for the public and private domain to enhance the centre and its immediate surrounds to improve the quality, accessibility and amenity of the public domain.

On 24 April 2023, Council resolved to not proceed with the exhibited Beverly Hills Master Plan and to endorse certain principles and elements to guide the preparation of a new master plan for the Beverly Hills Town Centre, including amended studies (traffic, public domain, affordable housing, risk).

Preliminary analysis shows the draft Master Plan for Beverly Hills will deliver approximately 970 dwellings and 36,650m<sup>2</sup> of total non-residential gross floor area.

The Mortdale and Beverly Hills Master Plans have been subject to detailed place-based studies and community consultation, directly implementing actions in the *Georges River Local Strategic Planning Statement (LSPS) 2040*. These studies prepared for the two centres have identified an appropriate development pattern; desired built form such as bulk, massing, height, setbacks, amenity, public domain; with consideration to heritage, traffic, flooding and hazard impacts.

While Council supports increased densities in the right places, the concern with the proposed Low and Mid-Rise Housing Reforms 'one size' fits all approach is it will undermine the integrity of Council's planning framework and extensive work that Council has undertaken in planning for co-ordinated and orderly growth for these two centres. This would result in an unnecessary use of resources and delays, as Council would need to review the work undertaken for these centres, taking into account the proposed density and building typology changes under the proposed Reforms.

The controls proposed in the Low and Mid-Rise Housing Reforms EIE will significantly change a number of key factors of the Master Plans, such as underlying capacity and the ability to deliver a more holistic approach to balancing development with infrastructure needs, open space, capacity of transport networks and most importantly, taking an approach that can deliver density and create great places. In addition, it undermines Council's ability to work with the community on shaping the future of our places.

In relation to the remaining centres that are not subject to a master plan, there are challenges and nuances that require a placed based approach to planning to ensure local issues such as consideration of the road network, the open space of each of the centre to cater for the population growth forecasted, urban design outcomes and the ability for the community to provide input in a way their places evolve and are shaped by engaging with the community.



The EIE will result in ad-hoc six storey developments on small, narrow sites undermining the integrity of Council's planning framework in the long term. The blanket approach to increasing denser dwelling forms without a nuanced consideration of the areas unique characteristics that has been established for each town centre would lead to a loss of unique aesthetic and character that defines many lower density neighbourhoods. Using a place-based approach will allow Council to consider various local constraints, such as flood affectation, the necessity to avoid development near high pressure gas pipelines, traffic and servicing impacts in areas with narrow streets. This approach ensures that housing growth is focused on sites without such constraints, making them more viable for development compared to a 'one size' fits all approach.

In this regard, Council seeks funding from the DPHI for the following:

- Preparation of master plans and required technical studies for each of the 12 "station and town centre precincts" affected by the NSW Housing Reforms to ensure that growth is accompanied by the required upgrades to public open space and community facilities, public domain, traffic and pedestrian improvements, drainage, and infrastructure generally.

Given the impact of these Reforms, Council request the DPHI to defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River LGA to provide Council the opportunity to review its LSPS to create capacity for additional and diverse housing through the creation of new R3 and R4 zones within the 12 precincts identified above.

Additionally, the DPHI has indicated that councils who wish to implement local provisions to achieve equivalent or greater residential housing capacity in their council area are encouraged to work with the DPHI to progress their strategic plans as quickly as possible. It should be noted that Council only has one master plan in progress (the Beverly Hills Local Centre Master Plan) and the subject master plan does not provide any consideration of low and medium density housing. In this regard, Council requests to meet with the DPHI to determine the process required to "turn off the SEPP" in the LGA where master planning has already been progressed or completed.

**Recommendation:**

- The DPHI defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River LGA to provide Council the opportunity to review its LSPS to create capacity for additional and diverse housing through the creation of new R3 and R4 zones within the following 12 precincts:

- (i) Hurstville Railway Station and Hurstville City Centre (Strategic Centre)
  - (ii) Kogarah Railway Station and Kogarah Town Centre (Strategic Centre)
  - (iii) Beverly Hills Railway Station and Beverly Hills (King Georges Road) Local Centre
  - (iv) Kingsgrove Railway Station and Kingsgrove (Kingsgrove Road) Local Centre
  - (v) Mortdale Railway Station and Mortdale (Morts Road) Local Centre
  - (vi) Penshurst Railway Station and Penshurst (Penshurst Street) Local Centre
  - (vii) Riverwood (Belmore Road) Local Centre
  - (viii) South Hurstville (King Georges Road) Local Centre
  - (ix) Oatley Railway Station and Oatley (Mulga Road) Local Centre
  - (x) Allawah Railway Station
  - (xi) Carlton Railway Station
  - (xii) Narwee Railway Station.
- Council seeks funding from the DPHI for the following:
    - Preparation of master plans and required technical studies for each of the 12 “station and town centre precincts” affected by the NSW Housing Reforms to ensure that growth is accompanied by the required upgrades to public open space and community facilities, public domain, traffic and pedestrian improvements, drainage, and infrastructure generally.
  - Council to meet with the DPHI to determine the process required to “turn off the SEPP” in the LGA where master planning has already been progressed or completed.
- (iii) Providing capacity for up to 150,000 additional dwellings within the Georges River LGA without considerations of the availability of infrastructure to support this growth***

The EIE provides no detail on how many new dwellings will be facilitated by the proposed Reforms or the variety of infrastructure that is needed to support the expected population growth, such as regional transport connections, road and intersection upgrades, open space, mid-block connections, laneway, public domain improvements, cycleways, footpaths, schools, health facilities and transport services.

Council’s preliminary analysis shows that the cumulative effect of all three Housing Reforms (infill affordable housing, TOD SEPP, low and mid-rise housing) may be in the range of 150,000 additional dwellings across the LGA, equating to an

additional 400,000 residents. Noting there are currently approximately 54,000 dwellings within the LGA.

Council's *Local Infrastructure Contributions Plan 2021* (Section 7.11 and Section 7.12) (the Plan) was prepared prior to the Reforms and therefore does not include the provision of facilities and services that would be required to address and support the resulting population from the proposed Reforms.

Council understands the DPHI is seeking feedback on Council's preferred approach to identifying and addressing additional infrastructure needs that arise as a result of the Reforms. The Reforms will have an impact on population growth and the resulting services required to cater for that population growth.

Given the implications of the Reforms on Council's ability to meet the infrastructure needs of a population not originally planned for across the Georges River LGA, Council will need to amend its Contributions Plan to identify measures to address existing gaps in the supply of infrastructure and to ensure the delivery of local infrastructure occurs at a rate that will keep up with the anticipated growth under the Housing Reforms. Council also requests funding from the DPHI to make these changes to the Contributions Plan.

**Recommendation:**

- Council seeks funding from the DPHI to amend the Georges River Council *Local Infrastructure Contributions Plan 2021* (Section 7.11 and Section 7.12) to identify measures to address existing gaps in the supply of infrastructure and to ensure the delivery of local infrastructure occurs at a rate that will keep up with the anticipated growth under the Housing Reforms.

- (iv) *Increasing housing capacity by permitting development on smaller allotments with greater height and FSR. This will result in changes to the low-density character of the LGA's suburbs, loss of trees and canopy cover on private land, replacement of on street parking with driveways and increased traffic impacts due to additional density.***

The Low and Mid-Rise Housing Reform will increase the capacity for housing numbers and housing styles across the LGA by permitting dual occupancies, multi dwelling housing, manor houses and residential flat buildings (RFBs) where they are currently prohibited under the *Georges River Local Environmental Plan (GRLEP) 2021*.

The most significant impact is along the T4 Eastern Suburbs and Illawarra Line (train stations of Kogarah, Carlton, Allawah, Hurstville, Penshurst, Mortdale and Oatley) and in less accessible locations such as Carlton / Kogarah Bay (Princes

Highway) and Oatley (Mulga Road) due to the existing presence of full line supermarkets.

The Reforms enable larger developments on smaller lots with greater height and FSR and less landscaping when compared to the provisions of the GRLEP.

Council has analysed the impact of the non-refusal standards proposed by the Reforms for low and mid-rise housing.

A summary of the impacts is shown below:

### **Dual Occupancy**

- Concern is raised in relation to the loss of the existing low-density character by proliferating dual occupancy developments across the whole LGA. The issue stems from the reduction in minimum site area and frontage which will result in more allotments in the R2, R3 and R4 zones being permitted for dual occupancy development – with the most significant impact being within the R2 zone.
- Of particular concern is the impact of the reduction in minimum site area and frontage for dual occupancy development in the Foreshore Scenic Protection Area (FSPA). The FSPA is a continuous area along the foreshore that is visible from the Georges River with significant character, environmental and scenic values. It is identified on the Foreshore Scenic Protection Area Map and by a local provision clause in Part 6 of the Georges River Local Environmental Plan (LEP) 2021.
- Increase of 0.5m in the maximum height permitted for dual occupancy development in the R2 and R3 zones.
- Increased footprint and bulk of the dwellings due to 0.10:1 increase in FSR for dual occupancies in the R2 zone. This is a 18% increase in floor space.
- A dual occupancy (2 dwellings) can be built on land with 450sqm site area, which is a 200sqm reduction for areas outside of the foreshore scenic protection area (FSPA) and 550sqm reduction for areas within the FSPA (existing requirement 650sqm and 1,000sqm respectively). The FSPA will experience the most significant impact as 1 dwelling on 1,000sqm can be developed into 4 dwellings under the Reforms.

Council requires a minimum 300sqm per allotment created outside the FSPA and minimum 430sqm within the FSPA. If the Reforms propose only a 225sqm per allotment created then there will be an impact within all the residential zones under the GRLEP – loss of trees, biodiversity and character; increase in traffic and off-street parking.

Furthermore, the work that has been undertaken to date by Council regarding the Biodiversity Study and Foreshore Scenic Character Study will be overridden by the Reforms if implemented.

- A reduction in the minimum lot width for 15m to 12m is likely to lead to an increase of driveways and the removal of street trees and on street parking to accommodate these additional driveways.
- Council's DCP controls require 2 parking spaces in tandem – the draft control only requires 1 space. Carparking is already an area of concern from residents when a dual occupancy is proposed. Many believe that tandem parking is not adequate.
- There is a disparity between the landscaping controls proposed by the Reforms and the existing provisions within the GRLEP. The Reforms regulate “tree canopy and deep soil targets” while the GRLEP regulates via “landscaped area”, which will allow the GRLEP provisions to be applied. However, there will be a reduction in landscaped area on sites due to the increase in maximum FSR leading to bigger building footprints and bulky developments.

### **Manor Houses**

- As discussed further below, manor houses are not consistent with the objectives of the R2 Low Density Residential zone with regards to built form. In addition, there is no limit to the number of units that can be provided within a manor house under the Reforms. If the Reforms are adopted, a single dwelling house has the potential to be redeveloped into 4 or more units at 3 storeys which will result in changes to the existing low-density character of the R2 areas.
- Increase of 0.5m in the maximum height permitted for development in the R2 zone.
- Increased footprint and bulk of buildings within the R2 zone due to 0.25:1 increase in FSR. This equates to a 45% increase in floor space.
- Site area requirements will be less than that required in the R3 and R4 zones of the GRLEP. It is noted that manor houses under the Codes SEPP are restricted to a maximum of 4 dwellings. Under the Reform, manor houses will be able to have more than 4 dwellings and at a height of 3 storeys under the proposed 9.5m height limit.
- Minimum width requirements will be less than required in the R3 and R4 zones of the GRLEP. Reducing the lot width requirements is likely to lead to an increase in driveways and the removal of street trees and on street parking to accommodate these additional driveways.
- May result in additional on street parking due to lack on onsite carparking.
- There will be a reduction in landscaped area on sites due to the increase in maximum FSR leading to bigger building footprints and bulky developments.

## **Multi Dwelling Housing (Terraces) in R2 Zones**

- As discussed further below, multi dwelling housing (terraces) are not consistent with the objectives of the R2 Low Density Residential zone and will change in the existing low-density character of the R2 zone by permitting more than a single dwelling house.
- Increase of 0.5m in the maximum height permitted for development in the R2 zone.
- Increased footprint and bulk of buildings within the R2 zone due to 0.15:1 increase in FSR. This equates to a 27% increase in floor space.
- Site area requirements will be less than that required in the R3 and R4 zones of the GRLEP.
- Minimum width requirements will be less than required in the R3 and R4 zones of the GRLEP. Reducing the lot width requirements is likely to lead to an increase in driveways and the removal of street trees and on street parking to accommodate these additional driveways.
- May result in additional on street parking due to lack on onsite carparking.
- There will be a reduction in landscaped area on sites due to the increase in maximum FSR leading to bigger building footprints and bulky developments.

## **Multi Dwelling Housing (MDH) in R2 Zones**

- As discussed further below, MDH is not consistent with the objectives of the R2 Low Density Residential zone and will change in the existing low-density character of the R2 zone by permitting more than a single dwelling house.
- Increase of 0.5m in the maximum height permitted for development in the R2 zone.
- Increased footprint and bulk of buildings within the R2 zone due to 0.15:1 increase in FSR. This equates to an increase of 27% in floor space.
- Site area requirements will be less than that required in the R3 and R4 zones of the GRLEP.
- Minimum width requirements will be less than required in the R3 and R4 zones of the GRLEP. Reducing the lot width requirements is likely to lead to an increase of driveways and the removal of street trees and on street parking to accommodate these additional driveways.
- May result in additional on street parking due to lack on onsite carparking.
- Due to the absence of landscaped area requirements within the GRLEP for MDH, it is unclear how much landscaping must be provided by MDH developments carried out under the Reform. Further clarification is sought from the DPHI.

## Residential Flat Buildings (RFB) in R3 Zones

- RFBs are not consistent with the objectives of the R3 zone of housing of a high standard of urban design and built form within a landscaped setting in a medium density residential environment.
- Heights will be significantly higher than that permitted in the R3 zone:
  - Increase of 12m within the inner areas (equating to an increase of 130%)
  - Increase of 7m within the outer areas (equating to an increase of 78%).
- FSRs will be significantly higher:
  - Increase of 2.3:1 within the inner areas (equating to 330% increase in floor space)
  - Increase of 1.3:1 within the outer areas (equating to 190% increase in floor space)
- The role of the minimum site area and width control is to ensure appropriate site width is provided to incorporate the setback and separation requirements of the Apartment Design Guide (ADG) and the *Georges River Development Control Plan (GRDCP) 2021*. It also ensures that development sites are of sufficient dimensions to accommodate high quality development.
- The Reforms also propose a reduction in minimum building separation requirements for 5 and 6 storey RFBs of the ADG to match the current requirements for up to 4 storey buildings. The reductions are as follows:
  - a) From 18m to 12m between habitable rooms/balconies
  - b) From 12m to 9m between habitable and non-habitable rooms
  - c) 9m to 6m between habitable rooms
- The ADG requires 7% deep soil to be provided. Overall, the proposed changes are likely to result in a reduction in landscaping on development sites.

Also of concern is that the current ADG provisions relating to building separation, setbacks, vehicle access, visual privacy, communal open space, landscaping and carparking for RFBs will not apply to mid-rise housing in the “station and town centre precincts”. This will result in apartments with subpar amenity for both the occupants and adjoining neighbours.

Council also understands the ADG has been relocated to Schedule 9 – Design Principles for residential apartment development of the Housing SEPP. In its relocation to the Housing SEPP, the applicability of the ADG has been watered down. Section 147 (3) of the Housing SEPP now states that a consent authority does not have to require compliance with design criteria specified in the ADG in considering a development application (DA) or modification application for a residential apartment development.

The original purpose of the Design Criteria within the ADG was to provide a quantitative benchmark and a numerical representation of the Design Quality Principles of SEPP

65. By repealing SEPP 65 and including the design principles in the Housing SEPP, good design and the amenity of residential apartments will be undermined.

The Housing Reforms relating to low and mid-rise housing will further undermine the ADG as the proposed standards (in privacy and building separation) are less stringent than the ADG. Without compliance with the ADG, Council's primary concern is that in a housing sector where the majority of the developments are being provided by the private sector, new developments of very poor quality will ultimately filter down to every scale of development due to the precedent this will set.

The removal of the requirement for developments to comply with the ADG will result in adverse amenity outcomes such as the reductions in building separation leading to privacy and overshadowing issues, reduction in the number of units with adequate solar access and cross ventilation leading to poor environmental quality, which in turn causes increased reliance on mechanical heating and cooling in an unsustainable manner.

Under the proposed changes, Council will have no power to enforce the ADG's Design Criteria, resulting in apartment developments with the worse amenity to date being developed in NSW. This will be further exacerbated by the Land and Environment Court's liberal application of legislative controls, which will ultimately lead to the irrelevance of the ADG and the redundancy of essential amenity outcomes that is currently guaranteed for apartment occupants.

The EIE proposes non-refusal standards for housing that will override local planning controls for height and FSR. The non-refusal standards in the EIE, do consider local character or conditions, all of which are necessary to ensure good amenity and design outcomes for both individual dwellings and localities. The non-refusal standards have not been tested for site suitability in the same way that development standards are during a planning proposal or a master planning process. The height and FSR proposed in the Reforms are mismatched with the FSR for most of the housing types not being able to be accommodated within the height limit. The Housing Reforms will impact on Council's development assessment process, resulting in Clause 4.6 variations, in inconsistent outcomes, cumulative impacts and more complex and delayed assessments with appeals and counter-appeals that are costly and time-consuming.

**Recommendation:**

- The DPHI to defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River LGA to provide Council the opportunity to review its LSPS to create capacity for additional and diverse housing through the creation of new R3 and R4 zones within the abovementioned 12 precincts.
- The DPHI to clarify the landscaping requirements for MDH in R2 zones, noting landscaping requirements are absent in the EIE.



- The DPHI to allow Council to develop landuse controls for low and mid rise housing that are based on local character and considerations, and that have been tested so that FSR and height match.
- The DPHI to remove subsection 3 of Section 147 of the Housing SEPP as follows:

***147 Determination of development applications and modification applications for residential apartment development.***

~~(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.~~

***(v) Permitting manor housing and multi-unit housing in the R2 Low Density Residential Zone and residential flat buildings (up to 6 storeys) in the R3 Medium Density Residential Zones in “station and town centre precincts” undermines the existing LSPS 2040 and the criteria for growth that was developed with the Georges River community.***

***(vi) Permitting manor houses and multi dwelling housing in the R2 Zone and residential flat buildings (of 3 to 6 storeys) in the R3 Zone in “station and town centre precincts” undermines the hierarchy of residential zones developed with the community through the LSPS 2040 and implemented through the GRLEP,***

The Reforms permit manor houses and MDH in the R2 zone and RFBs in the R3 zones. Manor houses are currently prohibited within the R2 zones and are not consistent with the objectives of the R2 Low Density Residential zone of the GRLEP. RFBs are currently prohibited within the R3 zones and are not consistent with the objectives of the R3 Medium Density Residential zone of the GRLEP.

Council’s planning framework provides a pathway to manage growth and change across the Georges River LGA and includes Council’s LSPS, Local Housing Strategy, Inclusive Housing Strategy, Centres Strategy, GRLEP and master plans. The DPHI and the former Greater Cities Commission have endorsed Council’s planning framework as being consistent with State priorities.

Council’s LSPS commits to supporting homes with safe, accessible, green, clean, creative and diverse facilities, services and spaces by establishing the seven Criteria to Guide Growth:

- The LGA’s special characteristics are retained;
- Growth is supported by green open space, social and physical infrastructure;
- Growth areas are linked to transport corridors and frequent services;

- Kogarah and Hurstville are enhanced as strategic centres;
- All centres have a role in jobs and housing growth;
- A hierarchy of residential zones is developed; and
- Evidence and community consultation provide the framework for strategic planning and decision making.

This set of criteria responds to a number of key messages raised by the Georges River community during the LSPS engagement process.

The LSPS also identifies a number of areas to be investigated for potential new housing. A total of five (5) housing investigation areas (HIA) are identified which were upzoned as part of the GRLEP, creating the opportunity for the delivery of approximately 650 medium and high density dwellings in accessible locations across the LGA. The HIAs include:

- Hillcrest Avenue, Hurstville;
- North and West of Peakhurst Park;
- Apsley Estate, Penshurst;
- Culwulla Street, South Hurstville; and
- Connells Point Road, South Hurstville.

Council also upzoned the Narwee Housing Investigation Area which contributed to the delivery of housing within the LGA by creating capacity for an additional 310 dwellings in the form of both medium and high density development.

The underlying principles for the HIAs aim to deliver a supply of housing that respects the established character and environmental constraints of the LGA. The HIA locations are supported by an evidence-based approach that includes traffic assessment and built form analysis.

Since these areas were upzoned in October 2021, no development applications have been received by Council. Council can only determine the applications before them and if the industry is lodging fewer applications because of softer market conditions, that is outside of Council's control. No amount of broad scale upzoning will increase housing delivery or resolve the current housing crisis. The NSW Government needs to address why development has not been taken up and to resolve other issues such as availability of public housing, location and access to essential services, cost of construction materials and labour, and provision of infrastructure.

The proposed reforms are also inconsistent with Council's Low Rise Medium Density Housing Code Planning Proposal from 2019 that informed the *Hurstville LEP 2012* (Amendment No. 15) and subsequently the GRLEP to prohibit multi dwelling housing in the R2 zone in response to the Low Rise Housing Diversity Code. The Code reduces the minimum requirements that a landholder will need to comply with to build MDH and

dual occupancies, with no strategic justification or neighbour consultation. Furthermore, MDH is contrary to the objectives of the R2 zone and will change the streetscape and increase the density of the R2 zone, adversely affecting the amenity of residents, such as loss of privacy, overshadowing, increase in bulk and scale, and parking issues. Dual occupancies also have the potential to dramatically change the streetscape and increase the density of the R2 zone that does not cater for the requisite facilities or services.

The GRLEP 2021 came into effect on 8 October 2021. It replaced the previous Hurstville and Kogarah planning controls and applies a consistent land use approach across the entire LGA. One of the overarching principles of the GRLEP was to develop a hierarchy of residential zones to ensure development typologies reflect the objectives of the respective zone, including a 'true' medium density residential zone. The hierarchy of residential density is outlined as follows:

- Low Density: dwelling houses and dual occupancies
- Medium Density: attached dwellings and multi dwelling housing, terraces and manor houses
- High Density: residential flat buildings.

The development of the hierarchy involved removing MDH from the low density zones and RFBs from the medium density zones to protect their character and amenity. The proposed Housing Reforms that reintroduce MDH in low density zones and RFBs in medium density zones and apply more generous development standards will significantly undermine Council's ability to identify areas for growth in the Georges River LGA and override Council's hierarchy of residential controls.

**Recommendation:**

- The DPHI to defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River LGA to provide Council the opportunity to review its LSPS to create capacity for additional and diverse housing through the creation of new R3 and R4 zones within the abovementioned 12 precincts.
- The DPHI to explore and develop actions for encouraging development applications to be lodged and approvals to be activated and construction to occur.

***(vii) Applying the Low- and Mid-Rise Housing Reforms to Heritage Conservation Areas will compromise the social, built and cultural significance of these areas by permanently altering the historical subdivision pattern and character of the built form.***

Applying the Low and Mid-Rise Housing Reforms to Heritage Conservation Areas (HCAs) will compromise the social, built and cultural significance of these areas by

permanently altering the historical subdivision pattern. The established subdivision pattern is a primary characteristic that defines and contributes to the significance of a HCA.

Furthermore, the Reforms will likely result in widespread irreversible and unavoidable impact to HCAs and heritage items as there is no mechanism included in the proposal for appropriate height and density transitions to HCAs and heritage items.

The significance of a HCA relates to the consistency in its built form, visual character, and the collective sense of place. Permitting development up to three-times the bulk and scale of development within an established HCA has the ability to significantly undermine its heritage significance and would be contrary to meeting objective (f) of the *Environmental Planning and Assessment Act 1979*.

The EIE also suggests that heritage items and HCA controls under the LEP will continue to apply and that such matters will be required to be considered in the development assessment process on a merit basis. If the proposal is imposed as suggested, it is also likely to create a significant level of contestability under both the Council assessment process and under any Land and Environment Court appeal. The Housing Reforms must be well considered and recognise the importance of heritage and character before allowing any uplift beyond what is permissible under the LEP.

#### **Recommendation:**

- The DPHI to defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River LGA to provide Council the opportunity to review its LSPS to create capacity for additional and diverse housing through the review of Council's controls for dual occupancy development, through a review of the existing controls for R3 and R4 zones, and through the creation of new R3 and R4 zones, whilst maintaining local character and good development outcomes.

***(viii) Applying the minimum lot width of 12m and minimum site area of 450sqm for dual occupancy development across the LGA is a significant reduction from the existing GRLEP requirements of minimum 15m lot width and minimum site area of 650sqm and 1,000sqm outside and within the Foreshore Scenic Protection Area (FSPA) respectively.***

Dual occupancies are currently permitted in the R2 zone of the GRLEP. Concern is raised in relation to the loss of the existing low-density character by proliferating dual occupancy developments across the whole LGA. The issue stems from the reduction in minimum site area and frontage which will result in more allotments in the R2, R3 and R4 zones being permitted for dual occupancy development – with the most significant impact being within the R2 zone.

Council requires a minimum 300sqm per allotment created outside the FSPA and minimum 430sqm within the FSPA. If the Reforms propose only a 225sqm per allotment created then there will be an impact within all the residential zones under the GRLEP – loss of trees, biodiversity and character; increase in traffic and off-street parking.

Furthermore, the work that has been undertaken to date by Council regarding the Biodiversity Study and Foreshore Scenic Character Study will be overridden by the Reforms if implemented.

Council has worked extensively with the community since 2020 to ensure new development is balanced by adequate protection of the natural environment. In 2021, Council prepared a LGA-wide Biodiversity Study to identify the key biodiversity values within the LGA by assessing the diversity of flora (plant) and fauna (animal) present, analysing historical changes and identifying key opportunities to protect and conserve biodiversity. The Biodiversity Study found areas of known threatened species, Threatened Ecological Communities (TECs) and native vegetation that provide habitats for native fauna across the LGA, and recommends the introduction of a terrestrial biodiversity overlay into the GRLEP to ensure existing biodiversity is protected during the development process.

At the same time, the *Foreshore Scenic Character Study* (“Foreshore Study”) was prepared to investigate the mapped extent and role of the FSPA. The Foreshore Study involved surveying every street across the lower half of the LGA, including all areas within the existing FSPA and beyond, to determine the prevailing character typologies. Numerous areas within the LGA have been identified as character typologies that are significant on a regional level. These existing low density areas have a significant level of vegetation and tree canopy cover enabled by their generous allotment sizes. These areas contribute substantially to the wider urban canopy cover of the LGA and the retention of canopy trees within these areas is crucial to achieving the 40% canopy target for the LGA. The Foreshore Study identifies that increases to housing density in these areas will severely compromise the existing green and vegetated character of these neighbourhoods.

In an effort to strive for balance between development and the environment, Council is currently preparing a Planning Proposal to amend the GRLEP to introduce biodiversity and character provisions while reducing the extent of the existing FSPA to address the lack of clarity and overprotection of inland areas that have no impact on the scenic character of the Georges River.

There is nothing in the EIE to suggest the Reforms consider the character of the FSPA with a blanket ‘one-size-fits-all’ approach.

**Recommendation:**

- The DPHI to defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River LGA to provide Council the opportunity to review its LSPS to create capacity for additional and diverse housing by reviewing controls for dual

occupancy and creating opportunity for development while ensuring the character of areas are maintained and enhanced.

- (ix) *The Reforms do not address the existing infrastructure shortage that currently exists, including insufficient open space, community centres, sports courts and libraries, which will put more pressure on Council to address both existing and future populations.***

Council recently placed on community consultation (22 December 2023 to 20 February 2024) the *Georges River Community Infrastructure Needs Assessment and Acquisition Area Strategy*. The Strategy is based on the existing and future population forecasts by consultants .id, who updated the *Evidence Base for Local Housing Strategy* in March 2023.

The draft Strategy raises the following issues with Council's existing community infrastructure:

- a) *Poor western access: Existing facilities are concentrated in the central and eastern parts of the LGA. With the exception of open space, sports fields and courts, the western regions of Lugarno and Peakhurst have no local allocations of community facilities and are the most constrained due to river frontage limiting access to facilities in neighbouring LGAs.*
- b) *Competition for land uses. As urban renewal occurs in existing highly developed areas, the availability of land and space to dedicate to single purpose community facilities becomes more limited. This is particularly an issue for facilities that require larger land areas, such as sport fields. As demand for housing increases, competition for land between residential and community uses may also intensify. As more people begin to live in higher density housing typologies, reliance on shared community spaces increases. However, land costs for inner and central locations can, in some cases, price out the public sector to provide assets in these spaces, relying instead on the renewal of existing assets or developer contributions.*
- c) *Not fit for purpose. Many sporting facilities were seen to have poor drainage, grass coverage and uneven surfaces, while others have old amenities and outdated facilities, poor/no lighting, lack of toilets, and roof leaks. The closure of sites for long periods due to inundation impacts the quality and maintenance of other sites with reduced rest periods and ability to remediate pitches. Lack of lighting reduces the use of sporting fields for training and competition forcing teams to hire venues outside the LGA.*
- d) *Co-location and integration. Community facilities are increasingly being integrated into mixed use precincts or delivered as part of school campuses. Co-location of complementary services reduces travel costs by encouraging multi-purpose trips, facilitates referrals and or interaction between different services better connecting people to available resources, increases utility of assets through diverse usage and improves safety by increasing visitation and diversifying the audience.*
- e) *Upgrading assets to maximise utility. Guaranteeing ease of physical access for open space and community facilities is vital in ensuring maximum benefit to the widest*

*possible community, making community assets inclusive but also improving the utility of the spaces.*

- f) Simple booking platforms. Centralised, clear and consistent systems for accessing community facilities can improve community interaction with assets and better distribute demand. Live registers of community facilities and service provides enables Government to oversee utilisation and identify opportunities for expansion or integration of facilities on an ongoing basis.*
- g) New sporting audiences require different facilities. Sporting clubs identified an increased uptake in female participation, people from cultural and linguistically diverse (CALD) backgrounds, people of mixed abilities and younger children in organised sport. These cohorts are changing the demand for types of ancillary spaces, such as separate change rooms, parents' rooms and canteen services. There are significant demand pressures for car parking at venues on Saturday mornings for junior competitions.*
- h) Growth and typology change. The Georges River population is not growing as rapidly as the LGAs around it. It has an older population than its neighbouring LGAs with the largest growing demographic those aged 65+, the highest representation being in Hurstville Central. Apartments now account for one third of the housing stock across Georges River.*

The Strategy identifies the current gaps as follows:

- a) Community Centres – current and future gap
- b) Open Space –future gap
- c) Sports courts – current and future gap
- d) Sports fields – future gap
- e) Libraries – no gap identified, however, consultation suggestive of demand pressures.

The Housing Reforms will further exacerbate the infrastructure issues and gaps identified in the *Georges River Community Infrastructure Needs Assessment and Acquisition Area Strategy*, especially in light of the potential 400,000 additional residents that is enabled by the Housing Reforms.

As discussed above, Council's *Local Infrastructure Contributions Plan 2021* (Section 7.11 and Section 7.12) (the Plan) was prepared prior to the Reforms and therefore does not include the provision of facilities and services that would be required to address and support the resulting population from the proposed Reforms.

Council understands the DPHI is seeking feedback on Council's preferred approach to identifying and addressing additional infrastructure needs that arise as a result of the Reforms. The Reforms will have an impact on population growth and the resulting services required to cater for that population growth.

Given the implications of the Reforms on Council's ability to meet the infrastructure needs of a population not originally planned for across the Georges River LGA, Council will need to amend its Contributions Plan to identify measures to address existing gaps in the supply of infrastructure and to ensure the delivery of local infrastructure occurs at a rate that will keep up with the anticipated growth under the Housing Reforms. Council also requests funding from the DPHI to make these changes to the Contributions Plan.

**Recommendation:**

- Council seeks funding from the DPHI to amend the Georges River Council *Local Infrastructure Contributions Plan 2021* (Section 7.11 and Section 7.12) to identify measures to address existing gaps in the supply of infrastructure and to ensure the delivery of local infrastructure occurs at a rate that will keep up with the anticipated growth under the Housing Reforms.