

Community Forum for Low and Mid-rise SEPP

July 2024



Agenda

- Welcome
- Acknowledgment of Country
- Introduction – David Marshall General Manager
- Presentation – Andrew Watson Director Strategy and Environment
- Questions and Answers

Background

The proposed reforms are part of a package of reforms by the State Government to deliver 377,000 new homes by 2029 under the National Housing Accord:

- Transport Oriented Development (TOD) Program
&
- Explanation of Intended Effect: Changes to create low- and mid-rise housing (EIE)

What is Broadly Proposed?

TOD:

- Mid-rise housing – 6 -7 storey residential flat buildings and shop- top housing within 400 metres of Roseville, Lindfield, Killara and Gordon stations

LOW-RISE:

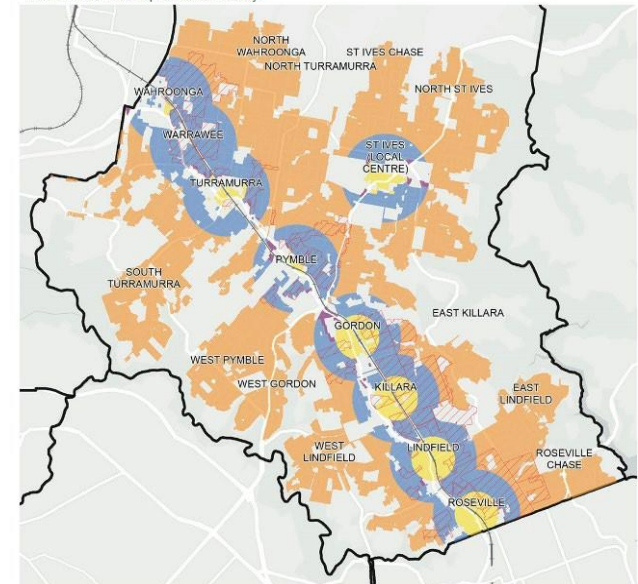
- Terraces, townhouses and manor houses within 800m of Roseville, Lindfield, Killara, Gordon, Pymble, Turramurra, Warrawee, Wahroonga railway stations and 800 m within the St Ives centre
- Dual occupancies on all R2(Low Density Residential) land across Ku-ring-gai

MID-RISE:

- Residential flat buildings in R2, R3, and R4 residential zones, plus shop-top housing in E1 local centre zone, within 400m of Roseville, Lindfield, Killara and Gordon stations

Ku-ring-gai Local Government Area

*Please note: This map is indicative only.



Key In areas without shading there are no changes proposed to existing planning controls

- Dual occupancy up to 9.5m high and floor space ratio 0.65:1 (minimum site area 450 sqm)
- Multi dwelling housing (terraces and townhouses) up to 9.5m high at floor space ratio 0.7:1, plus minor houses up to 9.5m high and floor space ratio 0.8:1
- Residential apartments and shop-top housing up to 16m high (approx 4 to 5 storeys) and floor space ratio 2:1
- Residential apartments and shop-top housing up to 21m high (approx 6 to 7 storeys) and floor space ratio 3:1
- Heritage Conservation Areas

Why Are We Here?

At its meeting of 16 April 2024 Council resolved:

- A. That a report be brought back to Council on the Low to Mid-rise SEPP after the Department of Planning, Housing and Infrastructure provides more information to Council in May 2024.*
- B. That following the report that Council conduct community forums in each of the Wards dealing specifically with the Low and Mid-rise SEPP.*

Background - EIE

- Explanation of Intended Effect (EIE):
Changes to create low- and mid-rise housing - public exhibition 15/12/23 to 23/2/24
- Council submission on 21/02/24
- Policy Refinement Paper May 2024
- SEPP provisions expected to come into effect in July 2024.

Overview of Exhibited Low and Mid-rise Proposal

Mid-rise

- Within 400m of stations and nominated centres:
 - E1 (local centres) or MU1 (mixed use): up to 21m high (approx. 6 to 7 storey) shop-top housing at FSR of 3:1
 - R3 (medium density): up to 21m high (approx. 6 to 7 storey) apartments at FSR of 3:1
- 400m-800m of stations and nominated centres:
 - E1 (local centres) or MU1 (mixed use): up to 16m high (approx. 4 to 5 storey) shop-top housing at FSR of 2:1
 - R3 (medium density): up to 16m high (approx. 4 to 5 storey) apartments at a floor space ratio of 2:1

Overview of Low and mid-rise Proposal

Low Rise

On land zoned R2 (low density residential) within 800m of station and nominated centres:

- terraces and townhouses up to 9.5m high at FSR 0.7:1
- manor houses up to 9.5m high and floor space ratio 0.8:1.

On all land zoned R2 (low density residential)

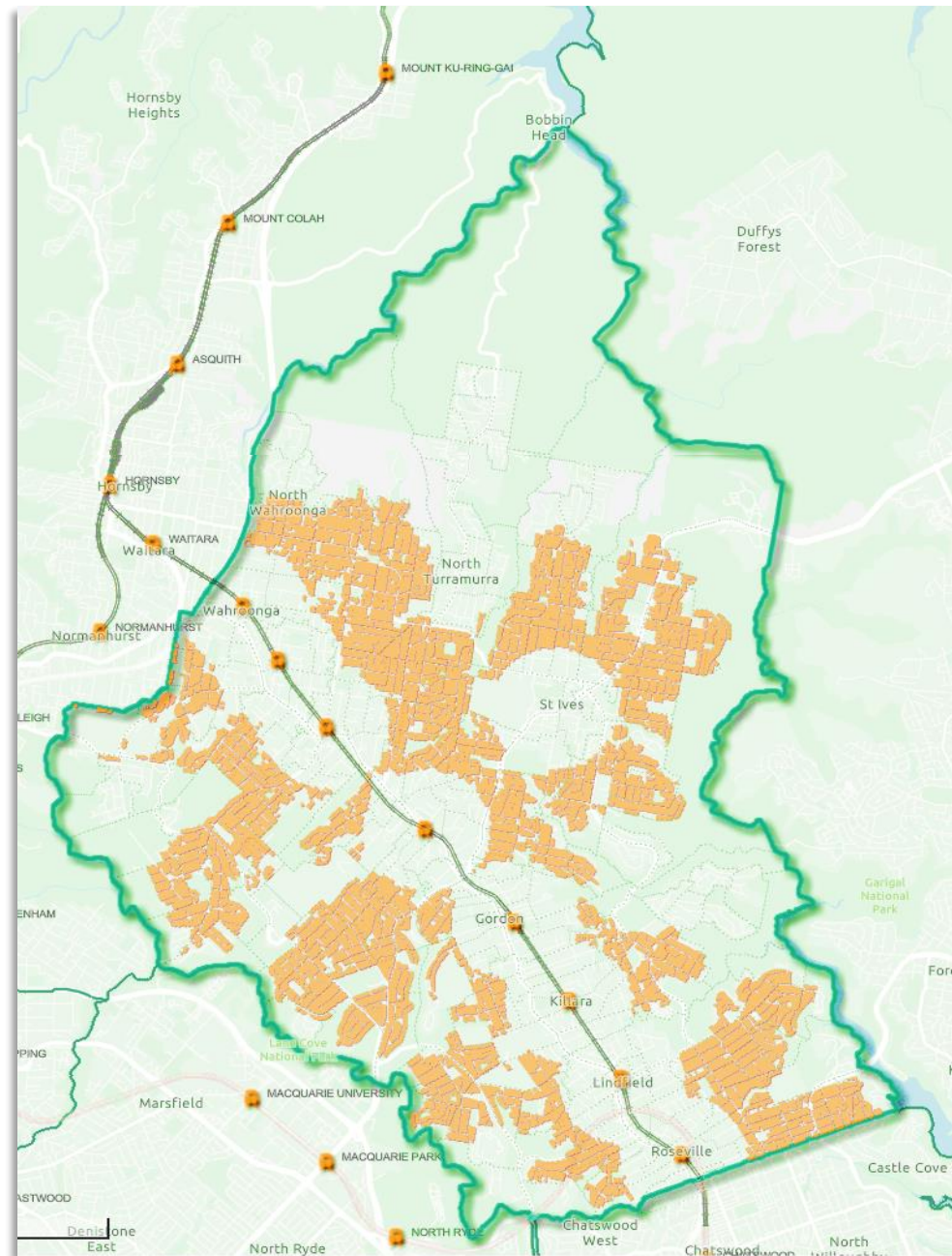
- Dual occupancies up to 9.5m high and FSR of 0.65:1, provided the minimum lot size is 450 square metres and a minimum 12m in width.

Low-rise housing - dual occupancy

Within all land zoned R2 (Low Density Residential)

Impacts on:

- Trees
- Heritage
- Biodiversity
- Streetscape
- Bushfire risk
- Bush fire evacuation
- Accessibility



Low-rise housing – dual occupancies

FROM THIS – low density residential dwellings within high quality garden settings including large canopy trees



Low-rise housing – dual occupancies

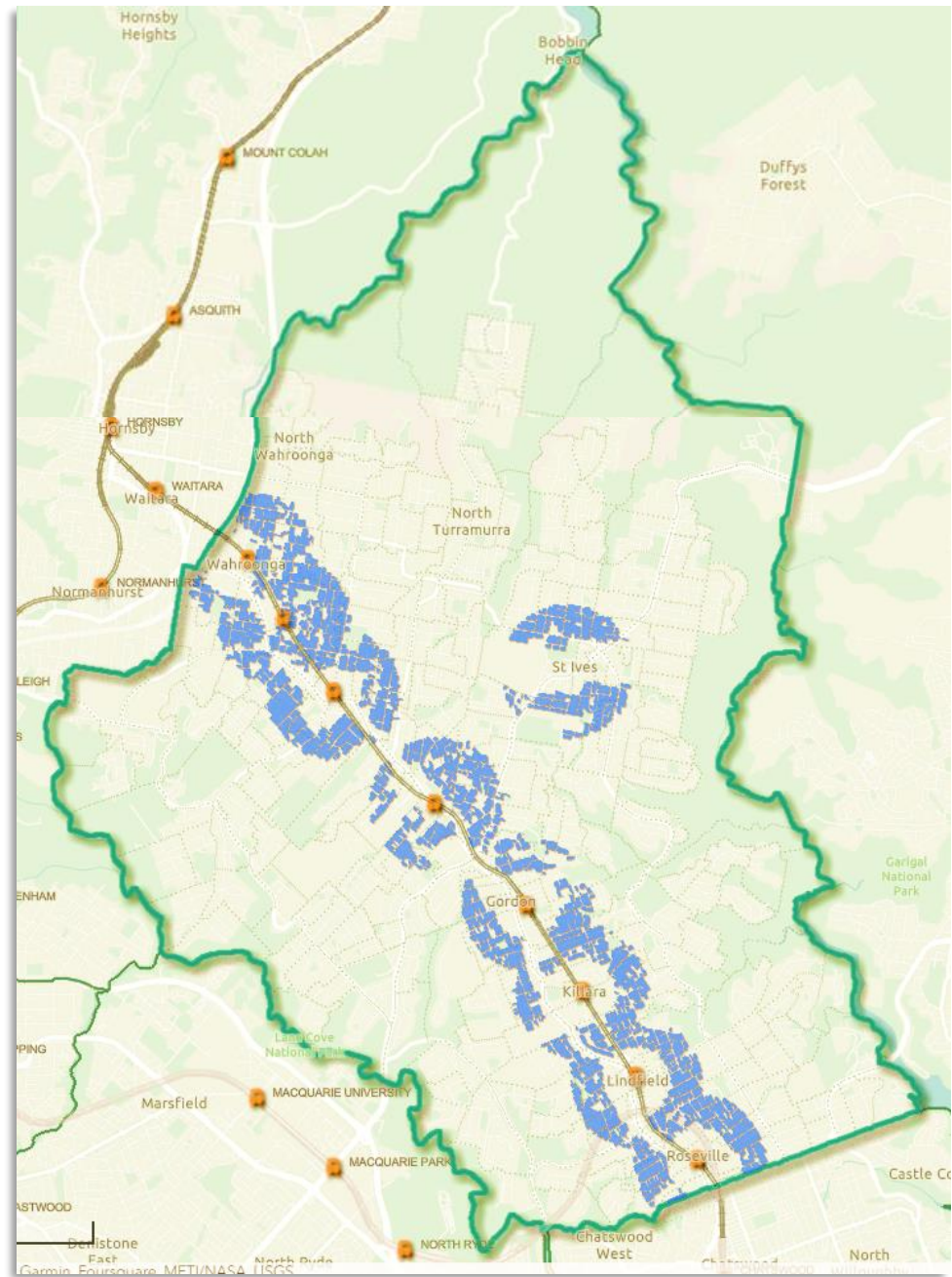
TO THIS – proposed dual occupancies with loss of gardens, trees, streetscape.



Low-rise housing - manor houses

Within 800m of Roseville, Lindfield, Killara, Gordon, Pymble, Turramurra, Warrawee, Wahroonga railway stations, and 800 m within the St Ives centre

- Impacts on:
- Trees
- Heritage
- Biodiversity
- Streetscape - Bushfire risk within certain centres
- Accessibility



Low-rise housing – manor houses

FROM THIS – manor houses in Ku-ring-gai



Low-rise housing – manor houses

TO THIS – under the proposed changes

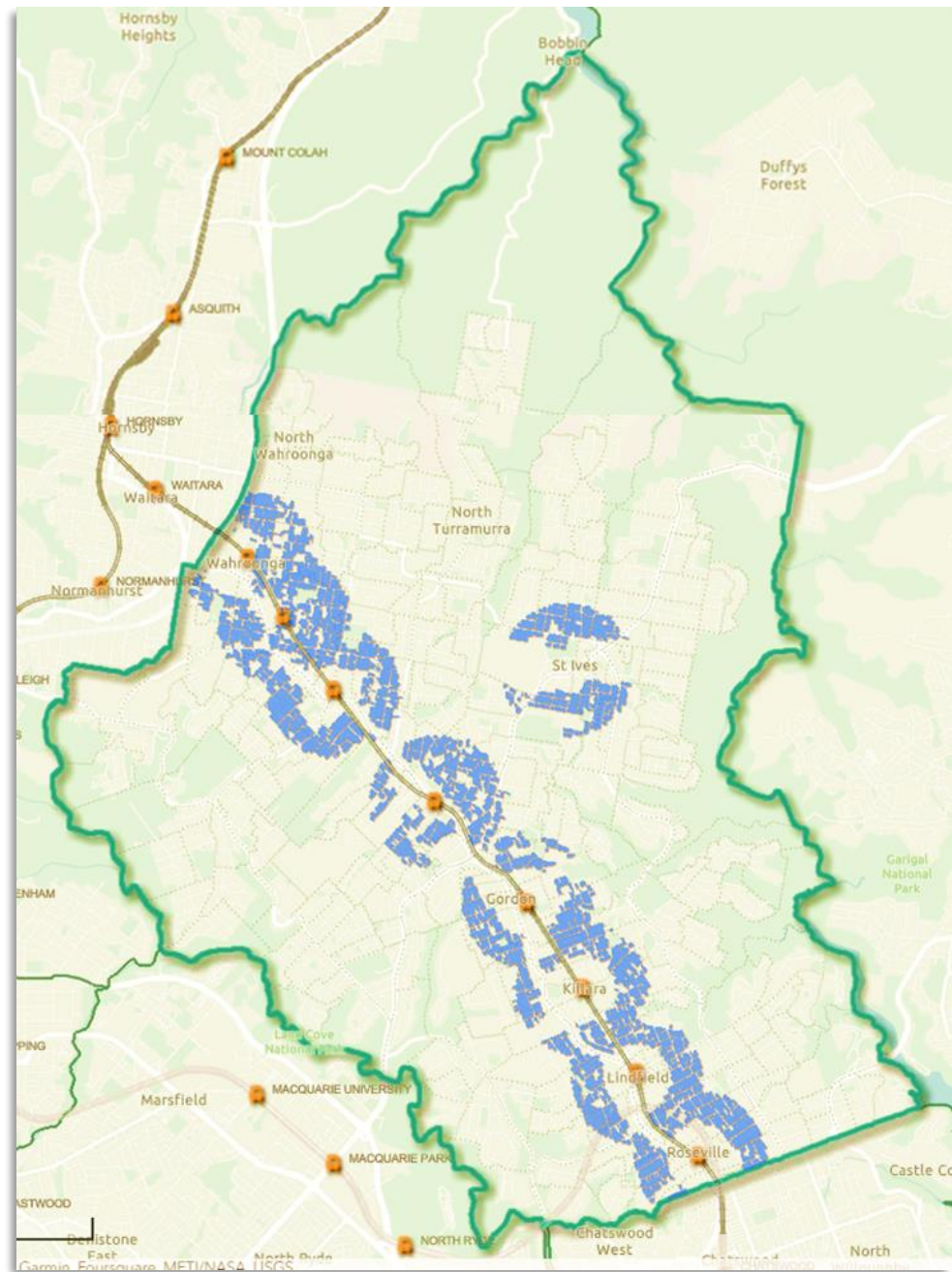


Low-rise housing - terraces & townhouses

Within 800m of Roseville, Lindfield, Killara, Gordon, Pymble, Turramurra, Warrawee, Wahroonga railway stations, and 800m within the St Ives centre

Impacts on:

- Trees
- Heritage
- Biodiversity
- Streetscape - Bushfire risk within certain centres
- Accessibility



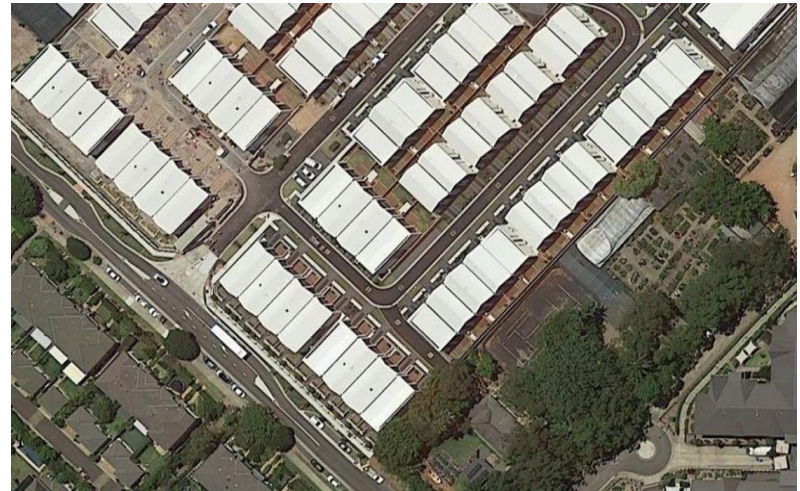
Low-rise housing - multi-unit housing (terraces/ townhouses)

**FROM THIS – townhouses
in Ku-ring-gai**



Low-rise housing – multi-unit housing (terraces/ townhouses)

TO THIS – under the proposed changes



Mid-rise housing – residential flat buildings 6-7 Storeys

FROM THIS – apartments in Ku-ring-gai in garden settings with tall trees



Mid-rise Housing – Mixed Use Buildings 6-7 Storeys

TO THIS – under the proposed changes



Policy Refinement Paper

Policy refinement paper Released by the Government in May 2024 reflecting changes that might be recommended to the Minister Post-exhibition.

Engagement with Councils on this document, and further refinements, is ongoing.

Key Elements of Policy Refinement Paper

- *Collaborate with Councils to remove unsuitable stations and town centres.*
- *Do not apply standards in employment zones (E1, E2, MU1 zones)*
- *Address Heritage*
- *Exclude land affected by high-risk flooding*
- *Exclude land affected by other high-risk hazards.*
- *Recalibrate the FSR and height for mid-rise standards*
- *Do not make changes to the Apartment Design Guide*

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

Reasons for not including:

- Comparable average height and FSR across Sydney (2.16:1 and 20m)
- Only account for small portion of total land (5.5%)
- Zones represent main locations for master planning.

Proposed Refinements to Planning Controls

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



Prospective Station and Town Centre Precinct Selections

Town Centre Precincts

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

Prospective Station and Town Centre Precinct Selections

Station Precincts

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

Questions we asked DHPI

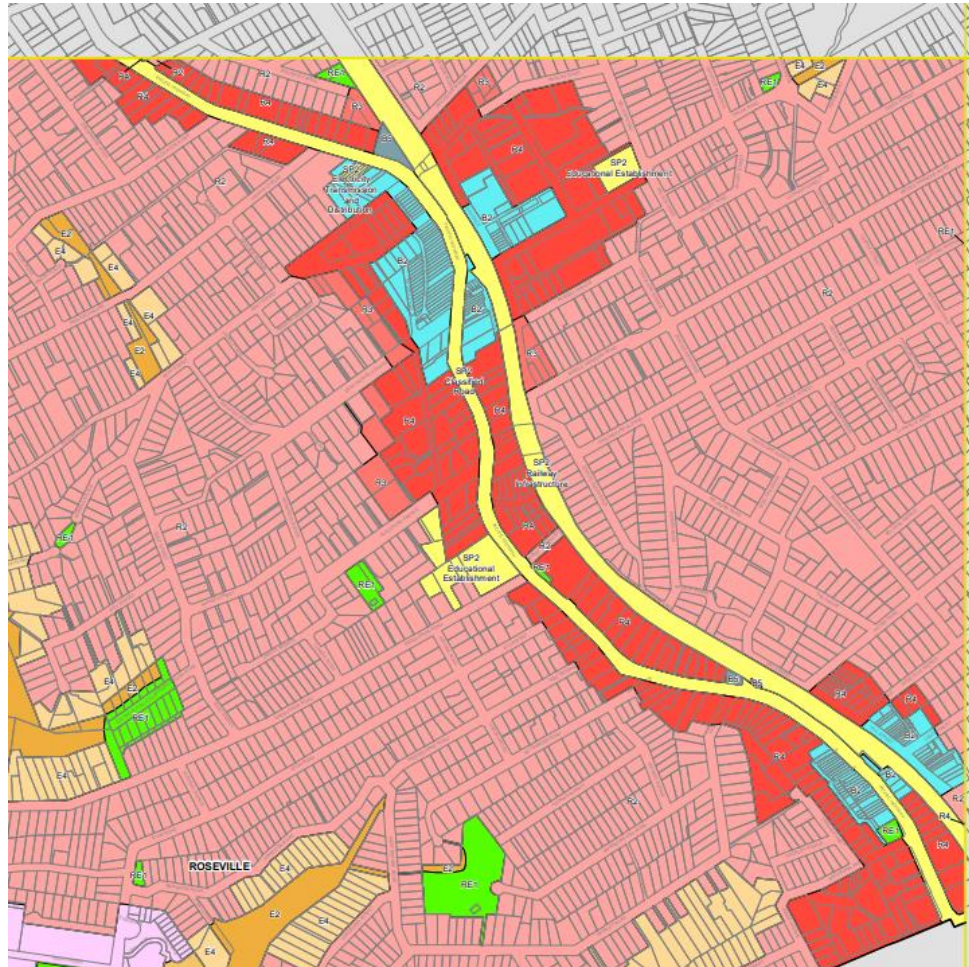
- Is the intent that the 'Centre' applies only to the above listed shopping centres and if so, will these be mapped? Or is it intended that the 'centre' will apply to the full extent of land zoned E1 in Gordon, Lindfield, St Ives and Turramurra?
- From what point will the 400m and 800m walking distance be measured? Will it be from the boundary of the above mentioned shopping centres or will it be from the boundary of the E1 zone?
- Will the residential sites affected by the low and mid-rise controls be mapped as they have been for the TOD areas or will they be determined on a case-by-case basis?

Answers We Received

The proposed intention is to map the extent of the E1 zone applying to the centre. The 400m and 800m walking distance is to be measured from the mapped boundary of the E1 zone.

We are not proposing to map the extent of the 400m and 800m walking catchment around each centre, instead we will define this in the SEPP similar to the existing affordable housing provisions.

Where to measure 400m/800m Catchment From?



Criteria for Inclusion of Stations and centres

1. Service Frequency

- Less than 30minutes

2. Proximity to Major Centres

- Train travel time of less than 30 mins to Sydney CBD, North Sydney, Chatswood etc.

3. Full-line Supermarket

- Supermarkets with retail floor area exceeding 2000sqm

4. Regular Bus Service

- Frequency of at least 1 bus per hour.

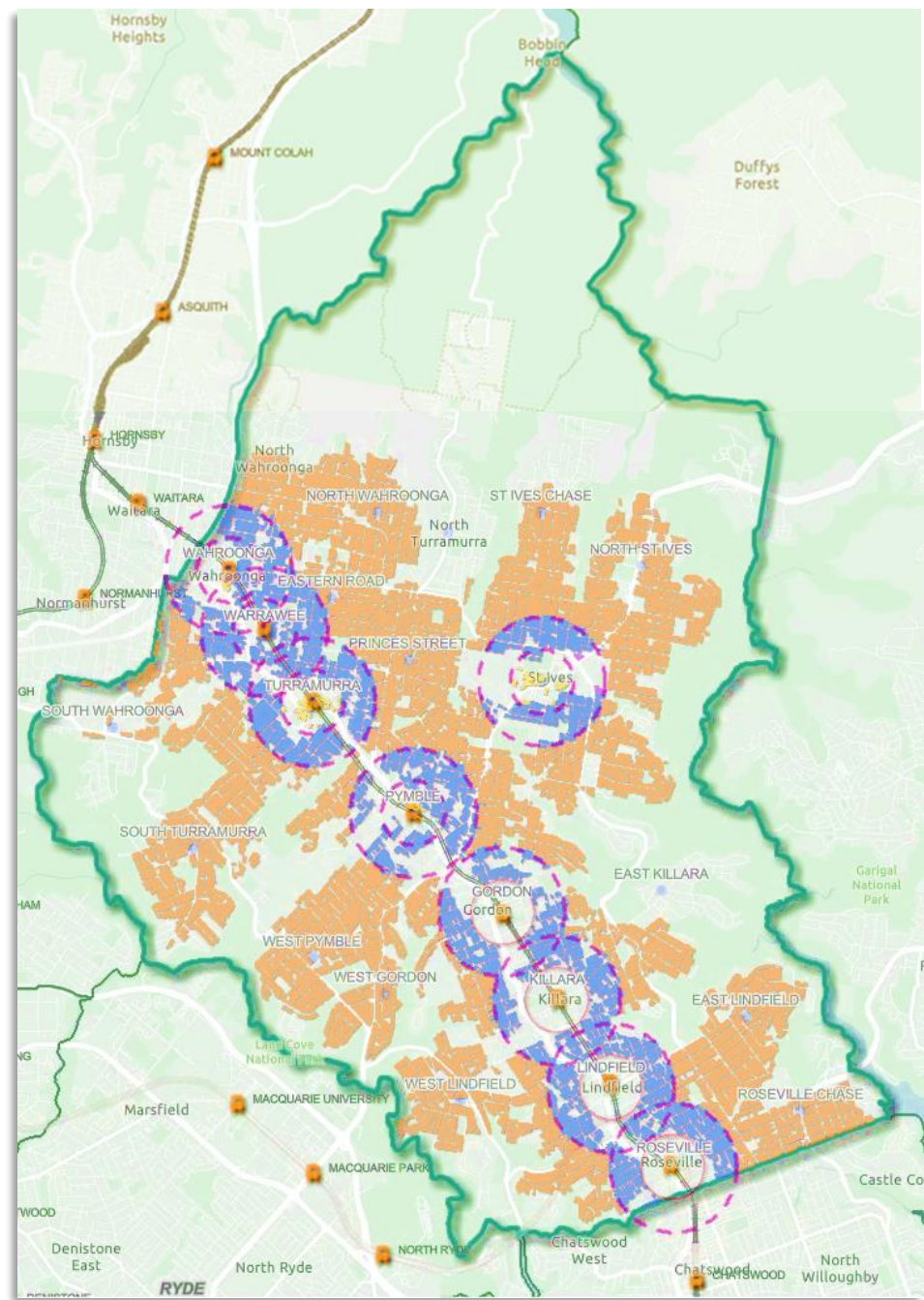
Station/Town Centre Exclusions

Further station and town centre exclusions will include, but are not limited to, the following:

- **Essential infrastructure:** These concerns should be critical and urgent, rather than general issues that can be addressed over time. Essential infrastructure includes water, sewage, stormwater, and electricity.
- **Road infrastructure:** These issues should be critical and urgent, rather than general issues that can be addressed over time. General traffic management is not considered a critical issue.
- **Quality of train service:** DPHI have already screened for frequencies, distance to major hubs, and co-location with town centres, so the remaining issues may relate to capacity and reliability.
- **Quality of bus services in town centres:** DPHI have only done a basic bus service screening for town centres, the remaining issues may relate to capacity, reliability, and frequency.

What This Means For Ku-ring-gai

Impacted dwellings	23,924
LMR new dwellings (net) Assumes 100% take-up	99,481
TOD new dwellings (net) Based on estimate of 4,500 dwellings per TOD centre	18,000
TOTAL Dwelling (net) Assumes 35% take-up	41,118
New residents @ 2.4 persons per dwelling	98,683
TOTAL Dwelling (net) Assumes 100% take-up	117,481
New residents @ 2.4 persons per dwelling	281,954



What This Means For Roseville

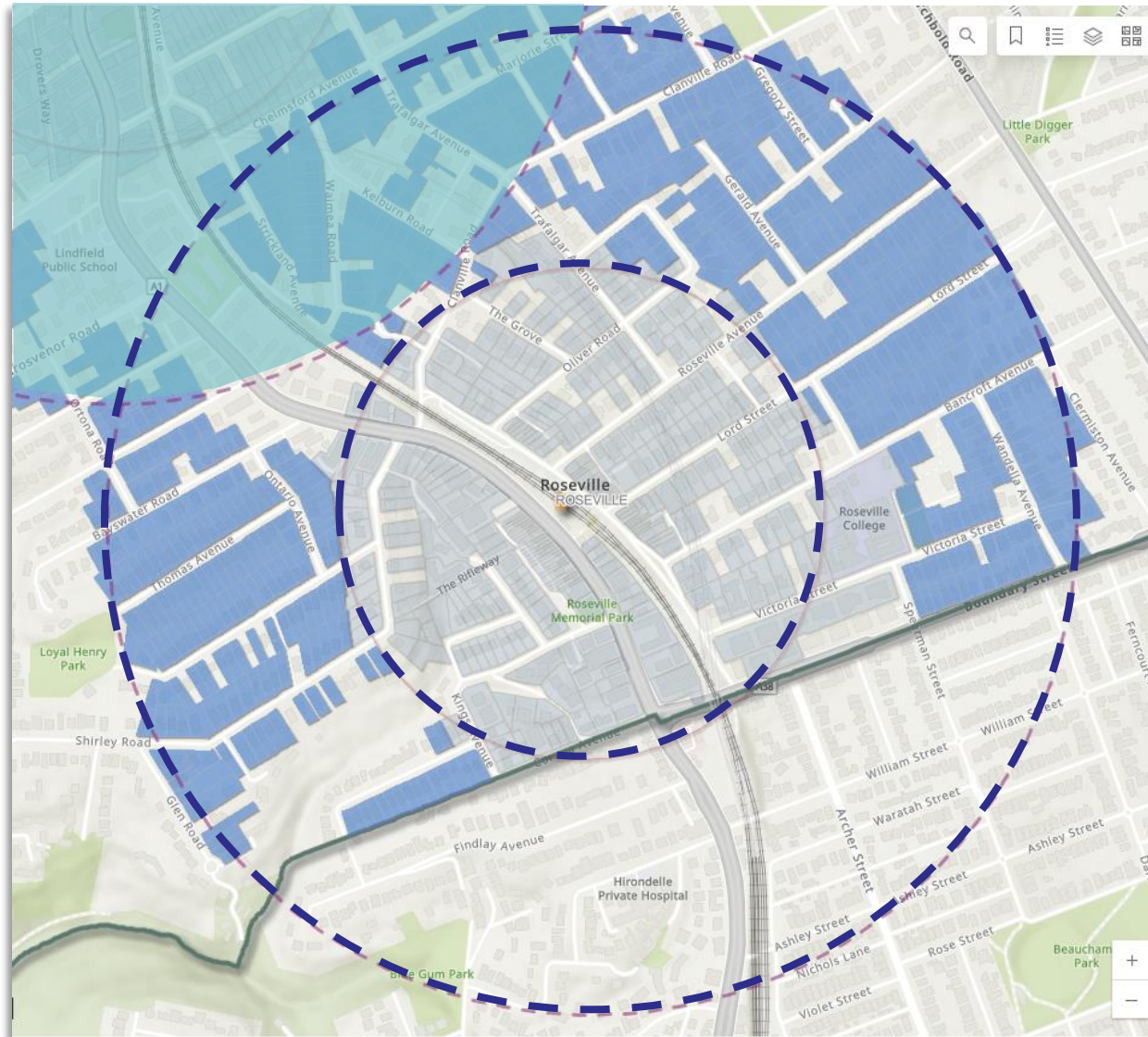
Impacted dwellings **531**

LMR new dwellings (net) **935**
Assumes 35% take-up

New residents **1,964**
@ 2.1 pp per person

LMR new dwellings (net) **2,671**
Assumes 100% take-up

New residents **5,609**
@ 2.1 pp per person



Multi dwelling housing (terraces and townhouses) up to 9.5m high at floor space ratio 0.7:1, plus manor houses up to 9.5m high and floor spac

Residential apartments and shop top housing up to 21m high (approx 6 to 7 storeys) and floor space ratio 3.0:1

Residential apartments and shop top housing up to 16m high (approx 4 to 5 storeys) and floor space ratio 2.0:1

What This Means For Lindfield

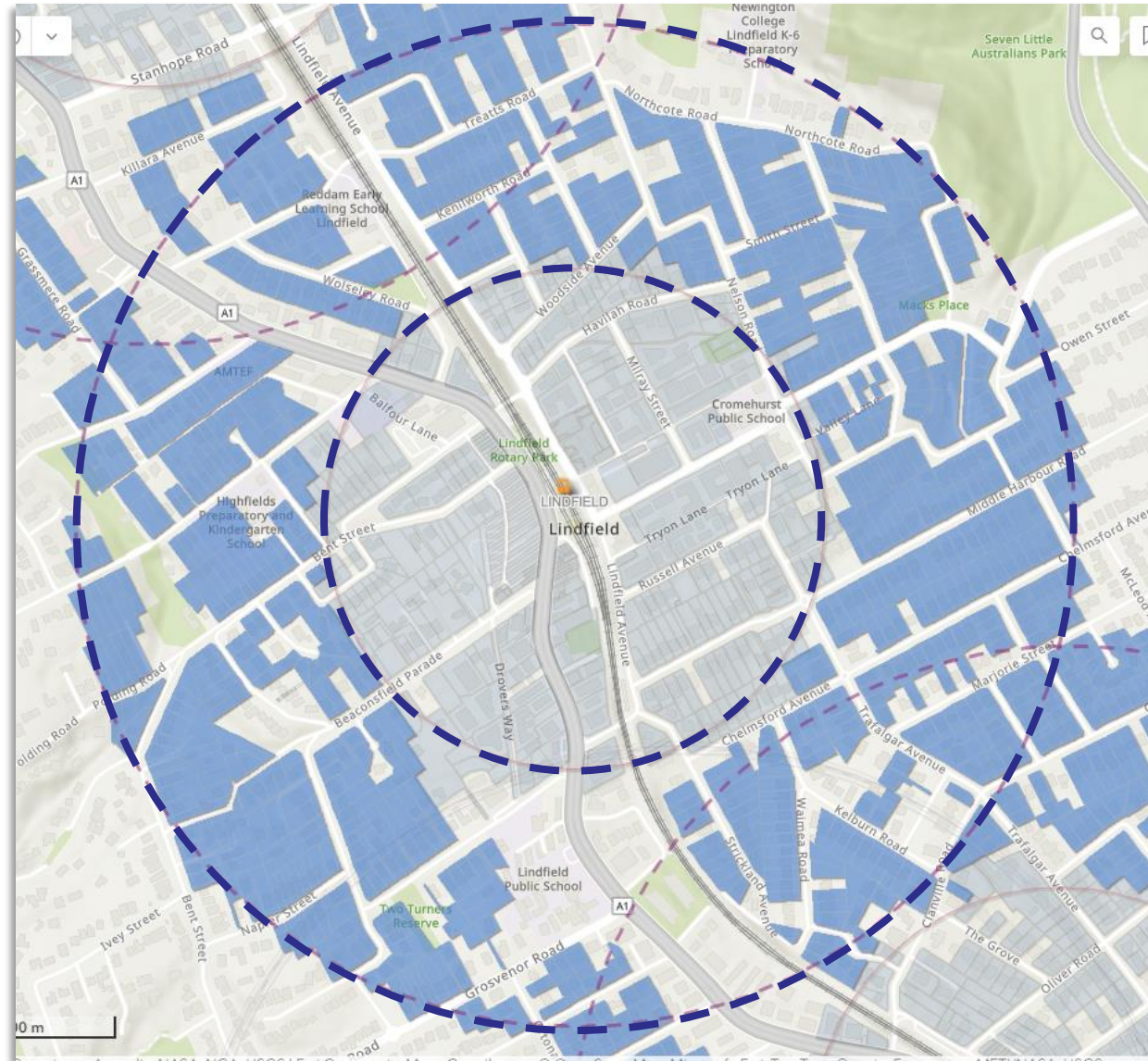
Impacted dwellings **855**

LMR new dwellings (net) **1,228**
Assumes 100% take-up

New residents **2,579**
@ 2.1 pp per dwelling

LMR new dwellings (net) **3,509**
Assumes 100% take-up

New residents **7,369**
@ 2.1 pp per dwelling



Multi dwelling housing (terraces and townhouses) up to 9.5m high at floor space ratio 0.7:1, plus manor houses up to 9.5m high and floor spac

Residential apartments and shop top housing up to 21m high (approx 6 to 7 storeys) and floor space ratio 3.0:1

Residential apartments and shop top housing up to 16m high (approx 4 to 5 storeys) and floor space ratio 2.0:1

What This Means For Killara

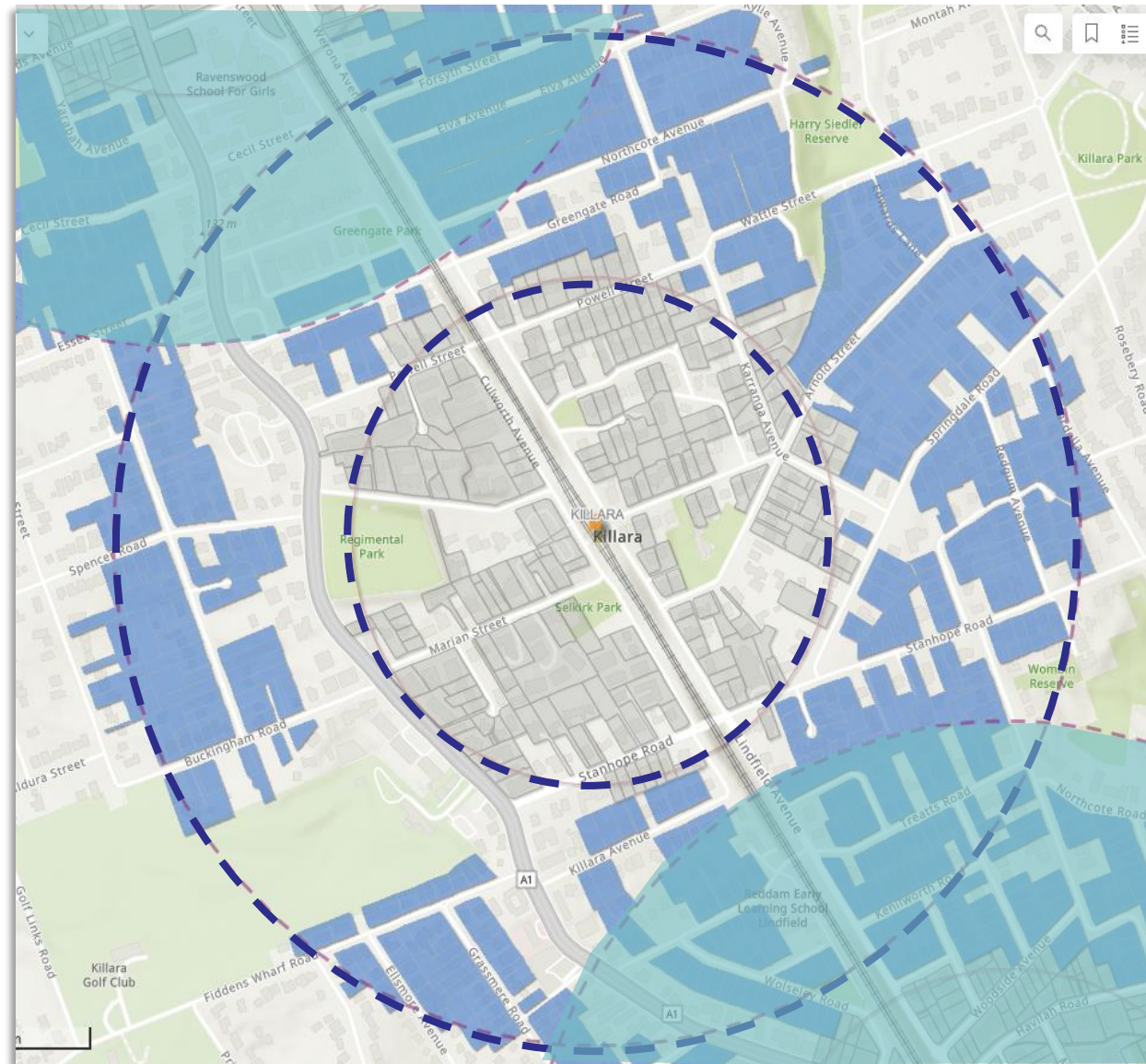
Impacted dwellings **652**

LMR new dwellings (net)* **1,061**
Assumes 35% take-up

New residents **2,228**
@ 2.1 pp per dwelling

LMR new dwellings (net) **3,031**
Assumes 100% take-up

New residents **6,365**
@ 2.1 pp per dwelling



Other – flooding, bushfire risks

1. Bushfire

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

Other – flooding, bushfire risks

Bushfire, Flood, and other hazards- background and recommendations

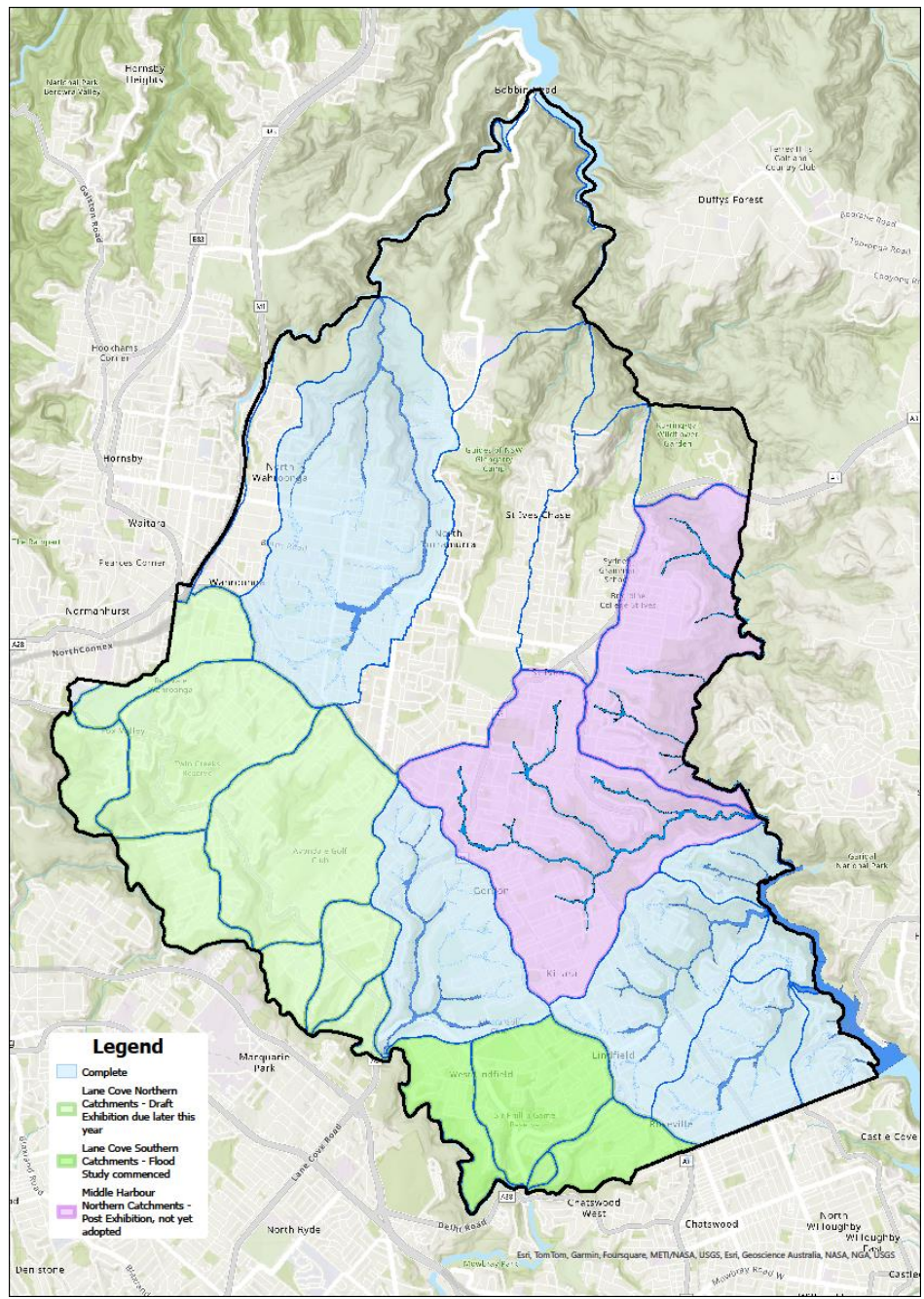
2. Flood

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

Other – flooding, bushfire risks

3. *Evacuation*

- Exclude land based on evacuation capacity constraints or other evacuation issues, arising from hazards risk (e.g bushfire, flooding or other hazard).
- Any land nominated for exclusion based on evacuation risks should be those which are unable to be managed at the DA stage. These must be appropriately evidenced (e.g., through previous evacuation studies).



Other – flooding, bushfire risks

4. Other Hazards or constraints

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

What has Changed From 1 July 2024

- The State Environmental Planning Policy (Housing) Amendment (Dual Occupancies and Semi-detached Dwellings) 2024 was published on 28 June 2024.
- The provisions of the SEPP came into effect today, 1 July 2024

What Does This Mean?

- Some but not all of the “low” parts of the low- and mid-rise housing EIE have been excised from the remainder of the package for early implementation.
- In stage 1, dual occupancies and semi-detached dwellings are permitted in all R2 low-density residential zones across NSW.

Low-Rise Housing Diversity Code

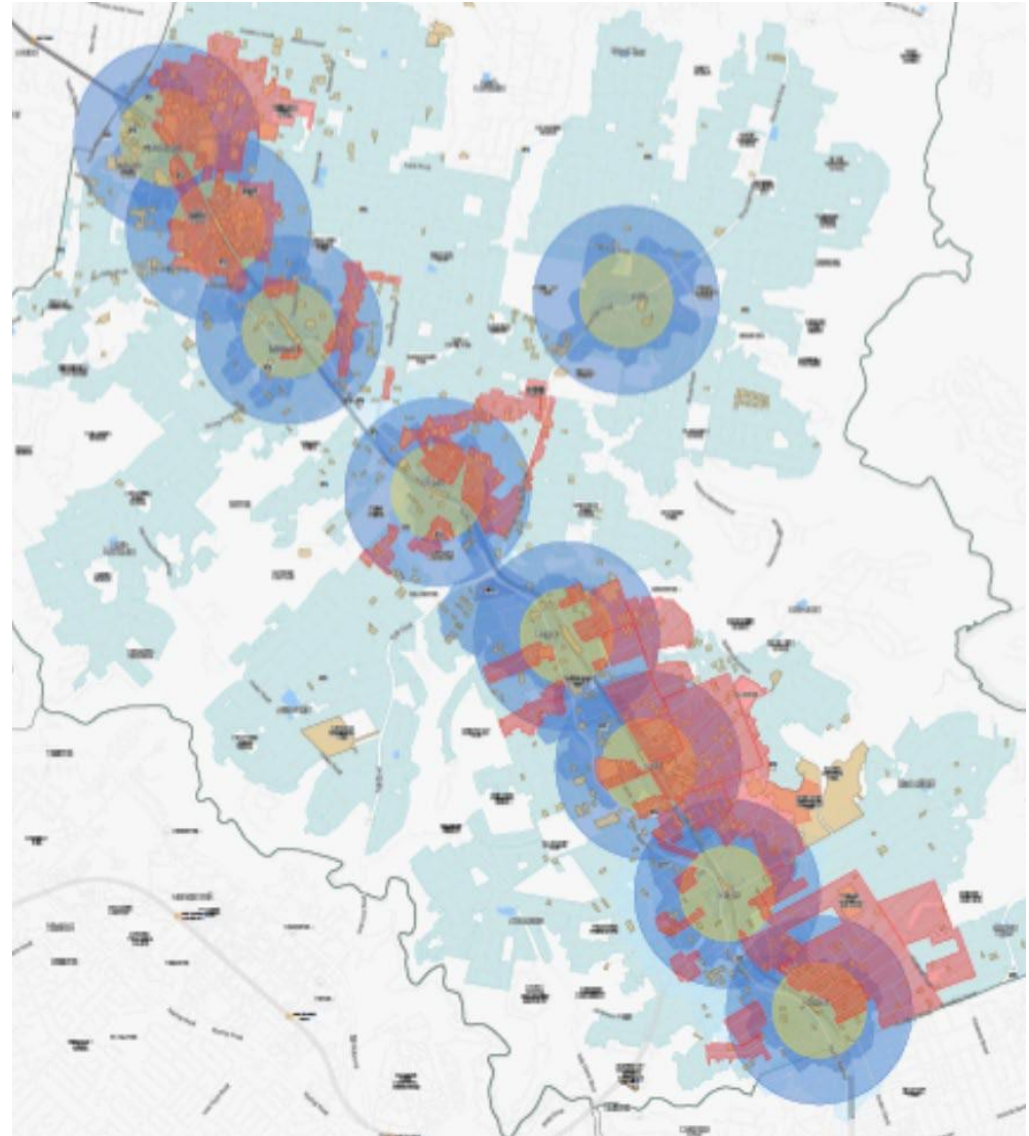
- The Low-Rise Housing Diversity Code – part of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – provides a fast-track planning pathway for low-rise housing types.
- The complying development pathway has been “switched off” in 13 LGAs that do not have dual occupancy provisions (Albury, Ballina, Cowra, Hornsby, Inner West, Ku-ring-gai, Lismore, Liverpool, Mosman, Murray River, Northern Beaches (Warringah Local Environmental Plan), Strathfield and Tamworth)
- In the next 12 months, development applications can be lodged for dual occupancies without there being development standards by which they can be assessed.
- The complying development pathway switches back on automatically on 1 July 2025 whether or not these councils have new planning controls in place, thereafter the controls in the Low-Rise Housing Diversity Code apply

Stage 1 - Exclusions

- The new policy reforms will not apply to certain sensitive areas, including:
 - high-risk land, including bushfire- and flood-prone land and land identified as coastal wetlands, littoral rainforest or a coastal vulnerability area
 - land located close to dangerous goods pipelines and aircraft noise
 - land in a Transport Oriented Development Area, as defined under chapter 5 of the State Environmental Planning Policy (Housing) 2021
 - land that constitutes or contains a heritage item
 - the Hawkesbury, Blue Mountains and Wollondilly local government areas
 - the Bathurst local government area – there is no suitable R2 land
 - land in proximity of Botany Industrial Park (commencing from stage 2 only).

Heritage impacts

- Widespread
- 4,000+ endangered heritage sites in two proposals – areas and items
- Local KRG historic differences increase heritage impacts
- Disproportionate impact – density placed in core historic development
- 40% of affected land is heritage listed
- 83% listed in Killara 400m radius
- 3,000+ heritage sites within 800m of stations & centre (2,000+ for 4 south TOD stations)

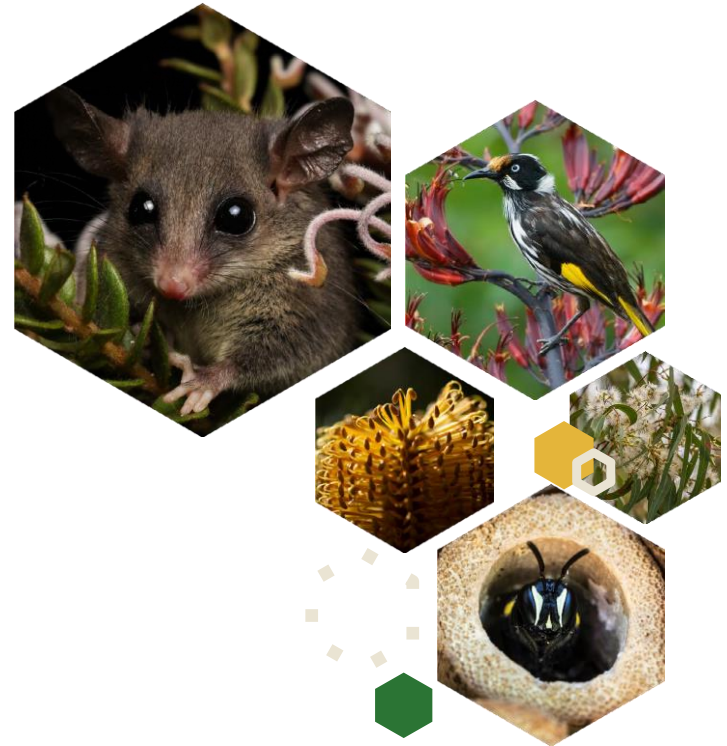


Biodiversity in Ku-ring-gai

- Highly valued by our community
- Protected through a framework of local and State environmental controls, Policies and strategies.

Includes:

- 7 endangered ecological communities
 - 2 Critically Endangered (BGHF, STIF)
- Many threatened fauna and flora species
- 700 native plant species
- 300+ vertebrate species
- Numerous invertebrates
- Provide critical ecological services



Impacts on aquatic and terrestrial species

Increased hard surfaces will result in degradation of downstream riparian habitats that aquatic wildlife depend on.

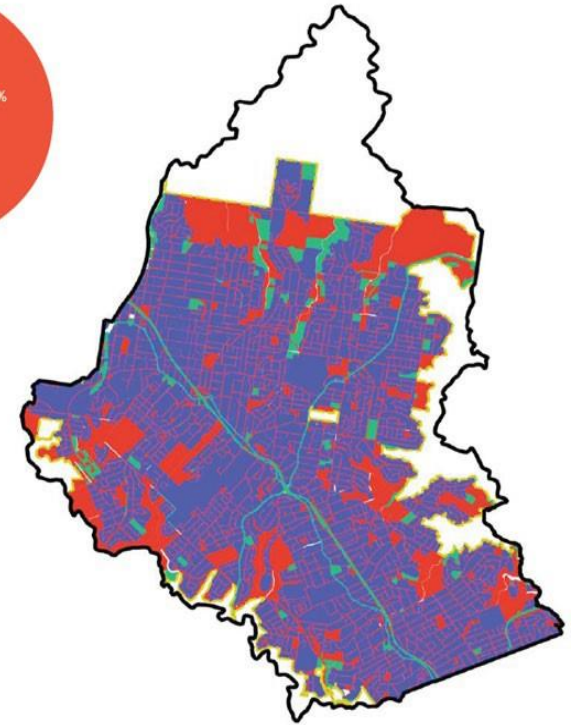
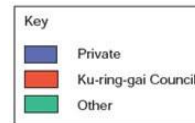
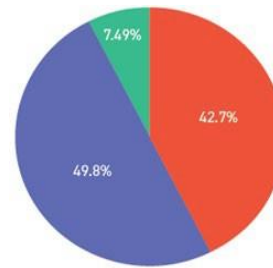


Distributions of species that thrive in Ku-ring-gai's leafy gardens will contract, leaving small populations isolated from one another.

Loss of "habitat Stepping Stones"

Urban Forest and Tree Canopy Impacts

Urban Forest Strategy (2022) aims to increase canopy cover from 45-49% across the LGA. Noting 50% urban canopy on private land, changes make the objective completely unachievable.



Canopy Impacts Low - Mid housing

Based on canopy mapping from 2022, impacts from the low-rise housing SEPP can be estimated:

Within the R2 Low Residential

- Canopy cover approximately 35%. (Ku-ring-gai's UFS objective is to raise this to 40%)
- ~80,000 trees
- Target canopy under the SEPP proposal for dual occupancy is 15-25%
- Assuming reduction of canopy is generally proportional to a reduction in trees

An average 20% canopy = 40% canopy loss in R2

Potential loss of trees under the low-rise provisions of this SEPP:

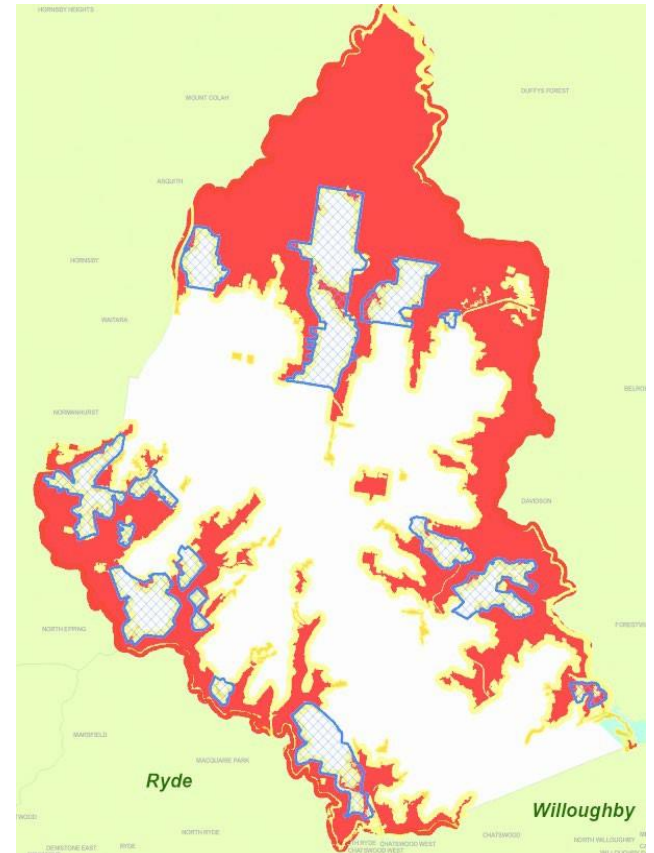
- 100% redevelopment of the R2 zone under the SEPP, **loss up to 32,000 trees**
- 50% redevelopment of the R2 zone under the SEPP, **loss up to 16,000 trees**
- 25% redevelopment of the R2 zone under the SEPP, **loss up to 8,000 trees**



Environmental Impacts

Bushfire

- SEPP proposals do not address Bushfire Prone Land (BFPL) mapping;
 - BFPL is present in Roseville TOD area – the areas mapped with BFPL or BFPL buffer should be excluded from TOD SEPP
- Ku-ring-gai currently has areas identified with restricted evacuation, increase of development in the LGA will impact on evacuation from these vulnerable areas
- BFPL Buffer mapping only extends 100m from the Bushland edge. However, asset losses during events are known to occur up to 400m away.



Environmental impacts

“environmental controls will apply to the extent they are not inconsistent with the new standards”

Low-mid housing SEPP:

- Canopy targets range from 15% to 25% for Dual Occupancies
- Ku-ring-gai's steep topography with ridgetop development hasn't been considered.
- Significant increases in impervious surface area will have negative impacts on, stormwater management, flooding and downstream waterway health.

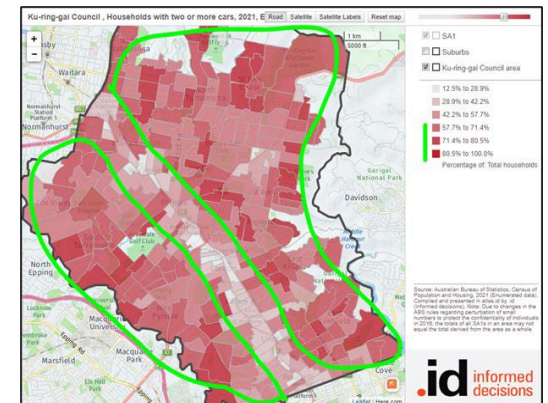
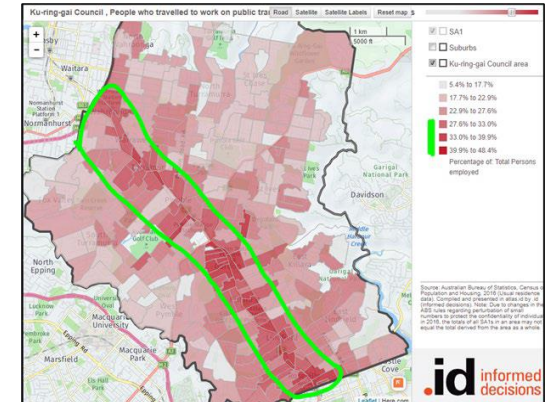
No requirement to retain existing vegetation

**Reduced habitat and amenity.
Increased urban heat.**

Infrastructure Provision

Traffic and Transport

- Public transport for journeys to work increases with proximity to stations (top) and as a consequence, household vehicle ownership increases moving away from the railway line (lower)
- The Low and Mid-Rise SEPP would result in a large number of new dwellings with poor access to transport, shops and services and high car dependency, with cumulative traffic impacts to the TOD centres.
- Traffic effects likely to be exacerbated in Gordon, Lindfield and Roseville centres, due to the close proximity of Pacific Highway and railway line.



Infrastructure provision

Traffic and Transport

- No transport impact assessment of the TOD Program and Low-Mid Rise SEPP.
- Preliminary assessments suggest traffic generation of TOD development would be substantial:
- PM peak equivalent to adding 2+ new full-line supermarkets in each centre.
- Internal testing of only 2,500 new dwellings and additional retail in Gordon indicates parts of the road network still became congested even with planned upgrades in the Ku-ring-gai Contributions Plan.
- To accommodate significant additional trips on the Pacific Highway would require widening on both sides of it to add a traffic lane in each direction (which is very unlikely to occur)

Infrastructure provision

Open Space

- Ku-ring-gai Council has an award-winning Open Space Acquisition Program to provide additional public open space.
- Ku-ring-gai Council actively delivers new local parks explicitly designed for highly intensive use of relatively small spaces, having delivered seven parks (over 25,000sqm) so far.
- The current s7.11 contributions plan levies pro rata per capita to deliver new open space
- The introduction of the TOD has now significantly impacted the purchasing capacity of Council to provide suitable open space within high density areas.



Lindfield Village Green

Infrastructure provision

Community Centres and libraries

- Council completed a Community Facilities Strategy in 2018
- Study found Council has a shortfall of about 10,000sqm of library and community floorspace based on the population forecasts
- The two SEPPs combined could add an estimated 280,000 people not previously accounted for
- Increasing the undersupply by a further 33,000sqm to a total of 40,000sqm



Infrastructure provision

Stormwater and Sewage

- Studies show areas of the existing stormwater system have inadequate capacity to convey the 5% AEP event (20yr ARI);
- These capacity issues will need to be addressed
- Council records show Sydney Water have self-reported 50 sewer leaks since Jan 1 2023
- No information has been provided on the impacts that the potential development will have on system capacity for both proposed SEPPs
- Ku-ring-gai is still in the process of completing flood studies and identifying areas of overland flow.
- Flood mapping data is not yet available for all TOD areas (noting flood studies are currently being undertaken for the Lane Cove Catchments south of the Pacific Highway)
- Flood mapping for much of the northern part of the LGA is yet to be commenced, only Lovers Jump Creek Catchment has a completed Flood Study.

Non-refusal standards

- While the Low and Mid-rise SEPP purport to continue to allow “merit assessments” where any local LEP controls preclude or constrain realisation of SEPP FSR and height standards, the non refusal standards take precedence.
- Most controls in the Ku-ring-gai LEP and DCP that are designed to protect local character, amenity, heritage, biodiversity and other special environmental areas, would otherwise reduce or preclude realisation of the new height and FSR standards.
- Any claim that there will continue to be opportunity for genuine merit assessment, taking into account those heritage, biodiversity and heritage matters does not align with Council’s independent expert advice.
- The Low and Mid-rise SEPP has now been split into stages 1 and 2, with the Government explicitly stating that Non-refusal standards will apply to Stage 2 later in 2024.

QUESTIONS ?

