

Urgent need for submissions on proposed changes to NSW planning laws related to low- and mid-rise housing

Proposed changes are on exhibition for public comment until Friday 23 February 2024.

Chaos and disempowerment of local communities

The NSW Government has introduced major reforms to planning laws.

BPN is concerned by the 'one size fits all' approach and believes that the NSW government-imposed zonings and relaxation of controls significantly weaken local democratic input over the built form and character of large areas of most LGAs. The changes could result in serious and extensive damage to the environment, loss of heritage, and overload infrastructure and local services. We also believe that the radical changes will not necessarily address the crisis in inadequate supply of genuinely and permanently affordable housing.

We urge members to read the information available, consult with their local Council regarding their position on the reforms, lobby State MPs and, most importantly, lodge a submission.

There are two significant reforms:

1. A new **Transport Orientated Development (TOD) Program** with two parts.
Part 1. Land within 1,200 metres of 8 designated railway and metro stations will be rezoned by NSW State Government.
Part 2. From April 2024, a new TOD Environmental Planning Policy (SEPP) will amend planning controls around 31 further rail stations.
The changes will allow residential flat buildings in all residential zones within 400 metres of the identified stations as well as residential flat buildings and shop-top housing in local and commercial centres (E1 and E2). These plans were NOT put on public exhibition. Only affected Councils have been briefed.
For more information: <https://www.planning.nsw.gov.au/policy-and-legislation/housing/transport-oriented-development-program/transport-oriented-development-sepp>
2. **Low and Mid-rise housing**
In late December 2023 the NSW Government released proposed changes intended to increase the capacity for low and mid-rise housing near existing services and infrastructure.

The changes in permissible building types, heights and controls apply to zones within 800 metres 'walkable' distance from a 'station or town precinct' in the 'Six Cities Region'. The low and mid-rise housing (2-6 storeys) and increased dual occupancy opportunities, will override all Local Environmental Plans (LEPs) and Development Control Plans (DCPs) and heritage conservation areas.

In addition, dual occupancy on lots of more than 450 sqm will be allowed across NSW.

To facilitate development, the Government proposes to set non-refusal standards that override Councils' planning controls unless their LEP or DCP are *even more* permissive.

<https://www.planning.nsw.gov.au/sites/default/files/2023-12/unpacking-low-rise-housing-fact-sheet.pdf>

The existing In-fill Affordable Housing bonus provisions of the Housing SEPP (introduced in 2023) will continue to apply for development within the zones covered by the proposed low- and mid-rise housing provisions. This enables 10-15% of gross floor area (GFA) as affordable housing to receive a bonus of 20-30% on both height and FSR for residential flat buildings and shop top housing. Developers will only have to ensure the properties remain 'affordable' and managed by a registered community housing provider for a minimum of 15 years.

NSW Government's Explanation of Intended Effect: Changes to create low and mid-rise housing, December 2023

Read it HERE:

https://www.planningportal.nsw.gov.au/sites/default/files/documents/2023/231214_EIE%20Low%20and%20Mid%20Rise%20Housing_Final%20%281%29.pdf

Note: APPENDIX A gives a summary of changes.

Lodge your submission HERE:

<https://www.planningportal.nsw.gov.au/draftplans/exhibition/explanation-intended-effect-changes-create-low-and-mid-rise-housing>

Just scroll down to the bottom of the above link, and be sure to state whether you support, object or are just making comments.