



Attachment 3 to Item 4.3.3.

Draft Submission on Proposed changes to low
and mid-rise housing - Hawkesbury City
Council

Date of meeting: 13 February 2024

Location: Council Chambers

Time: 6:30 p.m.

Your Ref: Changes to create low and mid-rise housing.

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7 February 2024

Department of Planning, Housing, and Infrastructure

Dear Sir/Madam

Draft submission to the Explanation of Intended Effect: Changes to create low and mid-rise housing.

Hawkesbury City Council (Council) acknowledges that housing affordability and the availability of low-cost accommodation is impacting households both within the Hawkesbury and across the 6 Cities Region.

Whilst Council appreciates efforts that are made by the Department of Planning, Housing and Infrastructure (the Department) to address the housing crisis, Council is unable to provide the Department with a response to the '*Explanation of Intended Effect: Changes to create low and mid-rise housing*' that reflects the level of detail requested by the Department, the infrastructure deficiencies that exist within the subject zones, and the natural constraints that require consideration, particularly in response to proposed development intensification.

Council has developed a suite of local policies that guide nuanced development in the Hawkesbury with consideration to our cherished rural character, significant natural hazard risk of both fire and flood and the natural and built heritage within our region.

Council considers that the proposed Policy is inconsistent with our existing planning policy and desired future character of the towns and villages that make up the Hawkesbury. Whilst the Policy may have merit in urban areas, the proposal to permit dual occupancies in all R2 zones and six-storey apartment buildings in town centres (potentially eight-storey with Affordable Housing Bonus applied) is incompatible and inconsistent with good planning outcomes in peri-urban locations where the infrastructure to support growing populations simply does not exist. Therefore, Council does not support the application of the Policy to the Hawkesbury LGA.

The lack of detail regarding the prospective application of these changes within the Hawkesbury has rendered Council unable to meet the commitment it has made to the community in its Community Participation Plan, being to 'seek input and participation in planning for improved community outcomes'.

The proposed reforms are at odds with the State-acknowledged risks that exist in the Hawkesbury with relation to natural disaster and it is critical that Council be afforded the time to work with the Department to clarify which areas within the Hawkesbury would be excluded from the reforms due to 'particularly high flood' (as stated within the '*Explanation of Intended Effect*').

The recently released Flood Evacuation Model (FEM) that used the 1 in 500 and the 1 in 1000-year flood event scenarios was intended to inform the Department of Planning and Environment's Regional Land Use Planning Framework, however its relation to the proposed reforms is not yet evident.

The FEM was developed on the assumption of improved infrastructure to which there is no State Government commitment to deliver and assumed no potential development in the town centres of the Hawkesbury; the same locations to which these proposed reforms would most likely be imposed.

Given that the Department has advised that Council must lodge a draft submission to the proposed reforms by 23 February 2023, Council notes that the commentary provided in this submission is preliminary and that until further detail is provided by the Department, specifically related to flooding, heritage considerations and building heights in relation to the RAAF Richmond flight paths, Council



cannot meaningfully consider and comment on the full impact of the proposed reforms in the Hawkesbury region.

With consideration to the timeframe issued by the Department for councils to provide comment on the proposed changes, preliminary comments are provided as below:-

Allow dual occupancies in all R2 zones

Council notes that several urban areas in the LGA are affected by severe flooding and evacuation issues and Council welcomes the aforementioned discussion with the Department about the applicability of the proposed changes in the Hawkesbury Nepean Valley.

Should the Department proceed to apply to proposed policy change in flood-affected areas of the Hawkesbury, clarification is needed as to which flood planning level is being referenced to allow this development, 1 in 100 ARI or PMF levels. It is suggested that if 1 in 100 ARI is used then the areas below the flood levels should be excluded from development and indicated in the specific maps.

The 'Explanation of Intended Effect' describes infill development in areas already serviced by state and local infrastructure, however residents living in R2 zones already experience a lack of critical infrastructure. Planning reforms that are accompanied only by a commitment to seek "Council's preferred approach to identifying and addressing additional infrastructure needs that arise as a result of the proposed changes" and not the investment to address the inadequacies that exist cannot be supported.

Allow terraces, townhouses and 2 storey apartment blocks near transport hubs and town centres in R2 Low Density Residential zones.

Previously, one or two E1 (previously B1) Local Centre zones were allocated within residential zones to cater for daily needs of the residents. The criteria for development around the E1 zone should be more specific to continue to facilitate the adequate provision of goods and services in these zones.

Allow mid-rise apartment blocks near transport hubs and town centres in R3 Medium Density Residential zones

The fragmented ownership of land within these land zones will impact the immediacy that development of these areas will make on the supply of housing. The Department has identified that it will deliver a program to speed up development applications in response to the housing crises, and Council seeks to partner with the Department in this respect to improve current development application processing times and be ready to meet the increased need generated by these reforms.

Council is willing and eager to work with the Department to advance housing supply, however the proposed reforms do not address the long-term underinvestment in social housing and the resulting impact this has had on housing supply.

In the absence of meaningful engagement with the Department and the time required to consult with our community, Council cannot provide the Department with the level of detail that has been requested in the '*Explanation of Intended Effect - Changes to create low and mid-rise housing*' with regards to a nuanced approach to the application of these changes. As such, Council again requests more time to enable Council to work with the Department and our community to provide an informed submission that reflects the current challenges and future aspirations for development in the Hawkesbury.