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Application for a site compatibility certificate 1 Panorama Avenue, Woollooware, NSW 2230



Pacific Community Housing®

PROMOTING AND PROVIDING ACCESS TO SAFE
AND SECURE AFFORDABLE HOUSING

Submitted to Department of
Planning Housing and Infrastructure
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APPENDICES	TITLE
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Appendix B	Architectural Concept plans
Appendix C	Architectural design report
Appendix D	Community Housing Provider
Appendix E	Authority to Lodge
Appendix F	SCC Transport, Traffic and Parking report.

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1 Executive summary

This site compatibility certificate (SCC) application has been prepared by Pacific Planning on behalf of Pacific Community Housing (PCH), a registered community housing provider (CHP), to facilitate the delivery of a 28-residential apartment development with ground floor commercial uses at 1 Panorama Avenue, Woollooware. The proposal includes a mix of dwelling types, with a minimum 50% of apartments to be secured as affordable housing for a minimum of 15 years, managed by PCH. The project is brought forward under division 5 of the State Environmental Planning Policy (Housing) 2021 (HSEPP) and is supported by the integrated operation of chapter 6, and chapter 2 part 2 division 1, and division 5 of the HSEPP.

The site:

- Is zoned R3 medium density residential, where residential flat buildings are prohibited under the Sutherland LEP 2015.
- Is located approximately 8 metres from the entrance to Woollooware Railway Station, meeting the locational criteria under clause 36 of the SEPP.
- Is within the inner core precinct of the Woollooware Station low and mid-rise housing area, as defined in schedule 11 of the HSEPP.
- Satisfies the strategic and statutory preconditions for a division 5 SCC.

This application reflects the NSW Government's policy direction under the *NSW Housing Accord*, which prioritises fast-tracked delivery of affordable and diverse housing in well-located, infrastructure-ready areas. The project aligns with the desired future character of the precinct under chapter 6 and provides housing outcomes in direct response to documented undersupply in the Sutherland Shire, particularly for low to moderate-income households.

A key feature of the scheme is a ground floor commercial space proposed to operate as a café or community-serving tenancy. While café uses are not currently permitted under the R3 zoning, this use is critical to enhancing financial sustainability, place activation, and social cohesion. The applicant seeks guidance and/or an enabling mechanism from the Department of Planning Housing and Infrastructure (department) to facilitate this use and proposes that the DPHI secretary's powers to under part 3 of the EP&A Act be applied to provide clarity and purpose to support this important component of the development.

The SCC, if issued, would:

- Confirm the proposed building built form, scale and use compatibility, under division 5.
- Reinforce the statutory permissibility and incentives under chapter 6 and division 1.
- Provide a platform for early-stage Commonwealth funding applications, reducing delivery risk.
- Provide the platform for the detailed design and refinement of the scheme to support a development application for construction delivery.
- Support a coordinated development assessment process by the regional panel supported by council assessment staff.

- Help realise a practical and scalable model for private sector community-led affordable housing delivery under the HSEPP.

This SCC application presents a legally robust, policy-consistent, and socially responsive planning pathway for delivering affordable housing in a priority location. It seeks not only statutory approval but also strategic support from the NSW Government to enable the project's contribution to the broader goals of the NSW Housing Accord, the South District Plan, and the NSW Housing Strategy 2041.

2 Introduction

2.1 Inclusionary zoning and enabling private sector investment

The proposed development represents a best-practice example of inclusionary housing, delivered not through compulsory levies or mandated quotas, but through a performance-based, incentive-led framework under division 5 of the HSEPP 2021. This mechanism enables the delivery of secured affordable housing by leveraging private sector capital, CHP partnerships, and streamlined assessment processes—anchored by the SCC¹.

Inclusionary zoning, in its broadest form, refers to planning controls that require or encourage affordable housing within private developments. While traditional inclusionary models in global cities such as London² and New York³ rely on mandatory requirements, the NSW framework under the HSEPP adopts a more facilitative approach. In particular, division 5 of the SEPP allows residential development otherwise prohibited or restricted under local planning instruments, subject to a minimum threshold of affordable housing and a declaration of strategic compatibility via the SCC.

In this instance, the development delivers 50% of dwellings as affordable rental housing, managed by a registered CHP. This exceeds most international benchmarks and is made possible through:

- Strategic land use permissibility enabled under the HSEPP.
- Removal of prescriptive car parking requirements due to the site's high public transport accessibility.
- A streamlined SCC process, which confirms strategic merit and enables councils to focus on detailed, site-specific assessment.

The SCC serves a vital dual function. Firstly, it confirms that the proposal aligns with state planning objectives, allowing a form of conditional permissibility for a building to be applied in advance of the DA process. Secondly, it de-risks the project from a commercial perspective, providing the certainty needed for CHPs and private investors to secure finance, confirm

¹ NSW Department of Planning and Environment (2021). *Housing SEPP 2021 – Division 5: Site Compatibility Certificates and Affordable Housing*.

² Greater London Authority (2021). *The London Plan – Policy H5: Threshold Approach to Applications*.
https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

³ New York City Department of City Planning (2020). *Mandatory Inclusionary Housing (MIH) Program*.
<https://www.nyc.gov/site/planning/plans/mih/mandatory-inclusionary-housing.page>

delivery timelines, and proceed with confidence. In this way, the SCC is not simply a procedural certificate; it is a gateway mechanism for unlocking private sector delivery of public benefit⁴.

This role has, however, been eroded over time. Since its introduction in 2009 under the former SEPP (Affordable Rental Housing) 2009, the SCC process has too often been misunderstood or minimised by local authorities, various planning professionals and assessment officers. A narrow interpretation has emerged—suggesting the SCC does no more than allow an “additional permitted use”—which fails to recognise its legislative and policy purpose. In practice, this misunderstanding creates uncertainty for proponents and restricts the SCC’s effectiveness as a planning instrument intended to fast-track and de-risk strategically justified affordable housing.

Such views are not only inconsistent with the HSEPP’s structure, but they also run counter to the objectives of the EP&A Act, which include the promotion of social and affordable housing and the facilitation of development that serves the public interest⁵. The SCC should be interpreted not as a marginal add-on, but as a legislatively sanctioned tool that bridges feasibility and permissibility—empowering councils and assessment authorities to perform their detailed merit assessment of a building within a framework already endorsed as compatible by the state planning process.

This approach is essential to supporting delivery of new affordable housing by experienced suppliers. As noted by AHURI in its report *Urban Regulation and Diverse Housing Supply*⁶, one of the greatest barriers to private sector involvement in non-market housing is feasibility risk. Without early-stage certainty on permissibility, height, yield, and controls, projects stall before capital is committed. Division 5 and the SCC process address this by providing a “viability bridge”—a structured, policy-aligned pathway where market logic and public policy can productively align.

This model mirrors international best practice. In Vancouver, the *Inclusionary Housing Interim Policy* provides bonus density for projects delivering social housing units⁷. In New York, the *Mandatory Inclusionary Housing* (MIH) program links additional floor area to affordable unit delivery⁸. In London, planning concessions are provided under the *London Plan* to proposals meeting minimum affordable housing thresholds⁹. What binds these systems together is not a reliance on mandates, but on the provision of certainty and flexibility—two attributes division 5 was designed to deliver¹⁰.

⁴ NSW Department of Planning (2009). *SEPP (Affordable Rental Housing) 2009 – Minister’s Introduction and Policy Overview*.

⁵ Environmental Planning and Assessment Act 1979 (NSW)— Particularly s1.3(c) and s1.3(d), which identify social equity and the facilitation of development in the public interest as central objects of the Act.

⁶ Australian Housing and Urban Research Institute (AHURI) (2020). *Urban Regulation and Diverse Housing Supply: An Investigative Panel*, Final Report No. 349.

⁷ City of Vancouver (2023). *Inclusionary Housing and Rental Incentive Programs: Policies and Guidelines*.
<https://vancouver.ca/people-programs/inclusionary-housing.aspx>

⁸ New York City Department of City Planning (2020). *Mandatory Inclusionary Housing (MIH) Program*.
<https://www.nyc.gov/site/planning/plans/mih/mandatory-inclusionary-housing.page>

⁹ Greater London Authority (2021). *The London Plan – Policy H5: Threshold Approach to Applications*.
https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

¹⁰ NSW Department of Planning and Environment (2021). *Housing SEPP 2021 – Division 5: Site Compatibility Certificates and Affordable Housing*.

This proposal also contributes to the objectives of the *NSW Housing Strategy 2041*, the *Greater Sydney Region Plan*, and council's own *Local Strategic Planning Statement* and *Local Housing Strategy*. It delivers affordable housing in a location serviced by rail, open space, education, and employment—not isolated on the urban fringe. In doing so, it supports inclusion, equity, and resilience while achieving both private investment efficiency and public policy outcomes.

For the HSEPP—and division 5 in particular—to function as intended, planning practitioners and consent authorities must adopt a facilitative, policy-literate approach that recognises the statutory purpose of the SCC and its critical role in unlocking affordable housing supply from the supplier sector of the market. Unfortunately, over the past decade, the effective use of SCCs has been progressively undermined—not by the legislative framework itself, but by a planning culture shaped by deep-rooted environmental control mindsets, anti-developer sentiment, risk-averse interpretation, and persistent NIMBY resistance. Much of this context linked to sectors of community that have for years caused pressure on these themes and who benefit financially from lower housing supply in areas with high social and public amenity.

These forces have contributed to a restrictive assessment regime in many parts of NSW, where the focus remains disproportionately on constraint rather than enablement. Proposals that seek to deliver socially beneficial outcomes—particularly in established areas—are too often subject to reflexive opposition and procedural obstruction. Instead of being viewed as a legitimate tool for accelerating housing delivery in strategically aligned locations, the SCC policy has, been treated with suspicion, disregard and ignorance of its specific social benefits intent.

This attitude is symptomatic of a broader disconnect between State housing objectives and the localised culture of environmental gatekeeping that continues to dominate much of NSW's planning system. The SCC was never intended to replace detailed merit assessment—but it was designed to provide a clear, upfront confirmation of the compatibility of a building subject to an SCC and that a project has strategic merit and should proceed through the development system with refining support, not scepticism¹¹.

A change in mindset is now essential. If councils and planning professionals continue to view the SCC through a narrow, defensive lens—focusing on control rather than delivery—then the very purpose of division 5 is compromised. To reverse this trend, the SCC must be re-asserted as a strategic planning instrument, one that carries weight, offers certainty, and supports private sector investment in the delivery of affordable housing. This requires not only professional clarity but institutional leadership. The stakes—both social and economic—are too high for anything less.

2.2 Overview

This report has been prepared by Pacific Planning on behalf of PCH to accompany an application to the department for a SCC under division 5 of the HSEPP. The application relates to land located at 1 Panorama Avenue, Woollooware.

The SCC supports the development of the site which will facilitate 28 dwellings, of which 50% will be designated affordable housing units, managed by PCH, a registered housing provider, for a minimum period of 15 years in accordance with the provisions of Clause 40 of the HSEPP.

¹¹Environmental Planning and Assessment Act 1979 (NSW). Particularly s1.3(c) and s1.3(d), which identify social equity and the facilitation of development in the public interest as central objects of the Act.

The subject site is zoned R3 medium density residential within which zone development for the purpose of a '*residential flat building*' is prohibited under the Sutherland Local Environmental Plan 2015 (SSLEP). The site adjoins the public entrance to Woollooware railway station and is therefore within the 800 metres designated by clause 36 of the HSEPP. Therefore, as per section 36(1)(a) the provisions of division 5 of part 2 of the HSEPP apply.

The landowners PCH 1 Pty Ltd, Pacific Planning and PCH have had a focus to see the delivery of new affordable housing on this land. Unfortunately, considerable resources have been applied seeking to reach that outcome with previous council processes that have been hostile and un-facilitative in collaborating and implementing state policy aimed at new affordable housing.

This will now be the third application for an SCC on the land and the third DA process. However, this application is advanced into changed land use context and controls and a more informed public on the issues of housing.

On 28 February 2025, the Minister for Planning and Public Spaces implemented chapter 6 of the HSEPP as a direct response to the acute housing supply and affordability challenges facing New South Wales. The introduction of this chapter marks a pivotal shift in the state's planning system, aimed at unlocking well-located housing opportunities across metropolitan and regional areas.

Chapter 6 provides a clear and standardised set of development controls for residential flat buildings, Shop top housing, manor houses, terraces, and dual occupancies generally in R1, R2, R3 and R4 zones, and is intended to:

- **Reduce complexity and inconsistency** in local planning controls that have historically restricted housing diversity and supply.
- **Facilitate infill development** in areas with existing infrastructure, access to public transport, and proximity to jobs, education and services.
- **Support housing delivery at scale**, particularly in regions where council-led planning has failed to meet strategic housing targets.
- **Enable private and CHPs to deliver a broader mix of housing types**, especially affordable and diverse housing forms.
- **Override outdated or exclusionary local controls** where necessary to achieve State housing objectives.
- **Provide council assessment regimes clarity** supporting the Minister's directions

This intervention by the Minister reflects the NSW Government's policy shift toward a stronger central role in enabling housing outcomes, particularly in locations where under-utilised land can be more effectively aligned with the strategic objectives of the *NSW Housing Strategy 2041*, *Regional Plans*, and the *State Infrastructure Strategy*.

The provisions of chapter 6 are to be implemented in a manner that enhances clarity and consistency in council assessment regimes. This aligns with the Ministerial directions that seek to streamline assessment functions and ensure local planning authorities have a clear framework for evaluating proposals. By articulating transparent planning outcomes and defining the desired future character of precincts subject to chapter 6, councils can make decisions that are both merit-based and strategically aligned with the EP&A and HSEPP's objectives. This

approach fosters community confidence in the planning system and supports the delivery of housing in well-located, serviced areas.

Chapter 6 is not merely a technical planning amendment—it is a deliberate and outcomes-driven reform tool intended to streamline development, support greater housing choice, and remove regulatory impediments that have historically contributed to NSW's housing undersupply.

It is within this new planning context that this project is progressed.

Therefore, this report seeks a further SCC for the site against a resolved concept scheme for a building, and describes the site, its context and existing environment. It also outlines the proposal, the project justification and provides an environmental assessment of the building concept facilitated by the SCC against the provisions of the HSEPP and relevant matters for consideration, including relevant legislation, environmental planning instruments, planning policies and strategies.

The SCC application is supported and should be read in conjunction with the following reports and documentation:

- Appendix A – Survey plan
- Appendix B – Architectural concept plans
- Appendix C – Architectural design report
- Appendix D – Community housing provider confirmation
- Appendix E – Authority to lodge letter
- Appendix F – Transport, traffic and parking SCC report

2.3 Woollooware housing needs

Woollooware is located approximately 20 kilometres south of the Sydney CBD. It is within the Sutherland Shire.

At the last Census (taken in August 2021), the population of Greater Sydney was 5.2 million. The population of the Sutherland Shire was 230,200 and the population of Woollooware was 5,060. Woollooware is west of Cronulla (which is on the coast and has a population of 17,899) and east of Caringbah and Miranda (populations of 12,575 and 17,942 respectively).

The housing stock in Woollooware is predominantly single dwelling houses. 44 per cent of dwellings are separate houses, while 39 per cent are multi dwelling homes or apartments. There is a higher proportion of apartments in Woollooware than the Sutherland Shire as a whole (25 per cent of dwellings are apartments in the whole of the Shire).

Woollooware is 4 kilometres from the major shopping centre, Miranda Westfield, which has 438 specialty stores and services, including David Jones and Myer department stores and the major supermarkets. Miranda and Woollooware are connected by the train line by regular services.

Woollooware is connected to the Sydney CBD by a direct train line. Services are approximately 15 minutes apart during the day (more frequent during the peak times – as low as 9 minutes) and the journey takes approximately 50 minutes. During the day, a drive into the CBD takes approximately 45 minutes via a toll road, the Eastern Distributor and Cross City Tunnel.

Journey to work data is only available at the local government area level. In 2021, 43 per cent of employed people resident in the Sutherland Shire lived and worked in the area, and 53 per cent lived in the area but worked outside of the area. Of the total, only 18 per cent lived in the area and worked in Sydney, while approximately 20 per cent lived in the area and worked in an area that was not the Sydney CBD (such as Bayside, Georges River, Canterbury Bankstown and Parramatta).

There were 1,263 residential building approvals in the Sutherland Shire in 2023-24. While this is 271 more than in 2022-23, it is only 29 more than the 5-year average. Only 366 approvals were made in the 6 months to December 2024, of which only 104 were unit approvals.

2.3.1 Rental availability in the Sutherland Shire

2.3.1.1 Rental housing availability

In the week of 3 March 2025, there were only 8 listed rental properties in the suburb of Woollooware. All were listed for rent of between \$500 and \$2,500 per week. The vacancy rate was 1 per cent, down from 2 per cent in the middle of 2024 (a healthy rental market has a vacancy rate of around 3 per cent). Listings ranged from \$500 per week to \$2,500 as shown in Table 1.

Table 1 Available rental properties, Woollooware, week of 3 March 2025

Weekly Rent (\$)	Number
400-550	2
550-800	1
800-900	2
900+	3
Total	8

Source: realestate.com.au, Pacific Economics and Sustainability

2.3.1.2 Rental housing affordability

The benchmark for affordable housing is 30 per cent of gross income. Any higher than that, and those on 120 per cent of the median income or less are living in housing stress. In Woollooware, the median household income in the 2021 Census was \$2,228 per week. As shown in Table 2, a household with \$1,782 income per week (80 per cent of the median household income) can afford a rent of \$535 per week before they are in housing stress. A household with 120 per cent of the median weekly income (\$2,674) can afford to pay up to \$802 per week in rent before falling into housing stress. There were only 3 units (2 1- bedroom and 1 2-bedroom) that would have been affordable for a household on between 80 and 120 per cent of the Sutherland Shire median income in the week of 3 March 2025.

Table 2 Median income and affordable rents, week of 3 March 2025

% of Median Household Income (\$)	Income (\$)	Affordable Rent (\$)	Listings Under Affordable Rent (no.)
80%	1,782	535	1
100%	2,228	668	1
120%	2,674	802	1

Source: ABS Census 2021, realestate.com.au, Pacific Economics and Sustainability

As shown in Table 3, there are no rental listings that are affordable for the 636 households earning less than \$1,500 per week (up to \$78,000 per year – for comparison, the national minimum wage is \$47,627 per year). For households in the \$1,500-\$2,499 weekly income bracket, there were 3 affordable rentals available in the week of 3 March 2025. There were 5 vacancies affordable for those with incomes above \$2,500 per week. The fact that there are so few rentals at any point on the market suggests a crisis level of availability.

Table 3 Income Ranges, Affordable rent and available listings, week of 3 March 2025

Income Range (\$)	Households (no.)	Affordable Rent (\$)	Available Listings (no.)
0-1,499	636	0 – 450	0
1500-2,500	455	451 – 750	3
2,501+	843	751 +	5
Total	1,934		8

Source: ABS Census 2021, realestate.com.au, Pacific Economics and Sustainability

2.3.1.3 Social infrastructure

The subject site in Woollooware benefits from exceptional access to a wide range of existing social infrastructure, all within close walking distance. As detailed in Table 4, the site is within 1 kilometre of numerous essential services including public transport, education facilities, medical services, supermarkets, childcare centres, sporting amenities, and recreational spaces. This level of proximity supports sustainable and inclusive residential development, particularly for affordable housing tenants who may have limited access to private transport. Locating affordable housing within such a well-serviced area promotes social inclusion, reduces transport costs, and enhances day-to-day convenience for residents, aligning with key objectives of the HSEPP and broader state planning strategies.

Table 4 Social infrastructure categories and distance

Social Infrastructure	Distance from Site (m)	Description
Train station	220	Direct access to Cronulla town centre and Sydney CBD via Illawarra Line; frequent service.
N11 Bus	0	Bus stop at doorstep with connections to local suburbs.
Hockey and soccer fields	600	Local sports facilities supporting community activity and youth sport.
Cricket oval	100	Open community sports field suitable for cricket and recreation.
Playground	270	Public play space for children and families.
Childcare	500	Early education service promoting work-life balance for families.
Childcare	550	Additional childcare supporting access for local residents.



Childcare	725	Accessible early learning options for young children.
Childcare	800	Multiple centres indicate strong family-focused infrastructure.
Childcare	830	Further expands options for parents and carers.
Golf course	600	Local leisure and social sport venue.
GP Clinic	400	Primary healthcare service within walking distance.
GP Clinic	420	Redundancy in health services adds convenience and capacity.
GP Clinic	550	Supports access to general medical consultations.
GP Clinic	570	Strengthens local access to healthcare professionals.
Woollooware public school	500	Government primary school supporting family access to education.
Burraneer Bay public school	800	Nearby primary school broadens local enrolment options.
St Francis de Sales Catholic Primary School	470	Catholic school providing alternate educational choice.
Woollooware high school	990	Government secondary school within walking distance.
Woolworths Woollooware Bay	1000	Large-scale grocery and retail centre for daily needs.
Noshis Supermarket	830	Smaller local grocer offering convenience shopping.
Pharmacy	400	Pharmaceutical access near GP services, supporting health needs.
Pharmacy	780	Additional pharmacy improving local medicine access.
Bay Central Shopping Centre	1000	Modern retail and dining precinct with supermarket, medical centre, and cafes.
Woollooware Bay Town Centre	1000	Integrated community and commercial hub with hotel, gym, rooftop cinema, and childcare.
Revive Church	1000	Active Christian church with community outreach and social programs.
Soul Revival Church (Woollooware Campus)	1000	Local Anglican church offering youth groups and services.



Woollooware Shores Retirement Village	1200	Aged care and independent living units with gardens and wellness services.
2nd Woollooware Scout Hall	1000	Youth-focused organisation offering development, leadership and events.
Hagger Park	500	Green space with children play area and bike track.

2.4 The HSEPP 2021

The HSEPP is the principal state planning instrument guiding residential development in New South Wales. It was introduced to consolidate and streamline a range of former housing-related SEPPs, and to provide a coherent, outcomes-driven framework that enables the delivery of diverse and affordable housing across both metropolitan and regional NSW.

The HSEPP supports the NSW Government's objective to increase housing supply, improve housing affordability, and deliver housing in well-located areas near infrastructure, jobs, and services. It does this by permitting a wider range of residential housing types in zones where they were previously restricted under local planning controls; providing clear development standards for low- and mid-rise housing, enabling better design certainty and faster assessment; encouraging the delivery of affordable rental housing through dedicated pathways and incentives, including density bonuses and permissibility overrides; supporting CHPs and partnerships between government and the private sector to deliver secure, long-term affordable housing; and establishing strategic mechanisms, such as SCCs, to enable housing delivery on constrained or underutilised land.

The policy is structured around thematic parts and divisions, including provisions for infill housing, affordable housing, boarding houses, seniors housing, group homes, and low-rise development. It also includes chapter 6, which provides a new state-standardised code for assessing housing types across residential zones. Together, these mechanisms provide a flexible, legally robust, and strategically aligned platform for the delivery of diverse housing forms that respond to local needs and support broader State policy objectives.

Since its commencement on 26 November 2021, the HSEPP has undergone targeted updates to strengthen its operation, particularly in response to the ongoing housing supply and affordability challenges across NSW. The most significant amendment was the introduction of chapter 6 on 28 February 2025. Chapter 6 establishes standardised development controls for residential flat buildings, shop top housing, manor houses, terraces, and dual occupancies in the R1, R2, R3, and R4 zones. It allows these housing types to be developed in locations where they may otherwise be prohibited under a local environmental plan, provided the proposal meets prescribed criteria. Chapter 6 sets consistent numeric standards for height, FSR, setbacks, solar access, landscaping, site width, and parking, and defines a desired future character to support increased housing capacity in areas with access to infrastructure and services.

Further clarifications were made during 2023 and 2024 to improve the application of division 1 of the HSEPP. These refinements confirmed that a maximum floor space bonus of 20-30% is available where 10–15% of gross floor area is provided as affordable housing, managed by a

registered CHP and retained for a minimum of 15 years. These amendments to the HSEPP, have been implemented with support through updated departmental guidance and assessment practice to support feasibility and consistency in interpretation across councils.

The HSEPP also consolidated and restructured earlier provisions relating to boarding houses, seniors housing, and group homes. This reorganisation retained the key policy intent of previous SEPPs while embedding them in a clearer and more accessible structure.

Although division 5 of the HSEPP has been kept in its general form since its introduction, its operation has been further clarified through legal interpretation and departmental assessment practice. Division 5 provides a strategic delivery pathway for affordable housing developments where at least 50% of dwellings are provided as affordable housing. It enables CHPs and their delivery partners to apply for a SCC to support development consent on land where residential flat buildings are otherwise prohibited. The SCC confirms compatibility of a building with surrounding land uses and removes the requirement for car parking under clause 38(4), except where build-to-rent is proposed. These provisions have been supported by senior legal advice and practice and are used in conjunction with clause 4.6 variations to facilitate housing delivery aligned with the HSEPP's and the EP&A Act objectives.

The issue of a SCC can (as it was intended to do) also provide an important level of commercial confidence in a project promoting that it has a stable assessment path endorsed by State agency for the delivery of new affordable housing. Affordable housing in a large quantum in a scheme is an asset class that is traditionally significantly more challenging for private sector investment regimes to support. Thus without deliberate policy and application of such policy placing more pressure would be placed on limited taxpayer resources to solve significant social problems.

These updates reinforce the HSEPP as a dynamic, responsive planning instrument that plays a central role in enabling the delivery of well-designed, affordable and diverse housing in line with state priorities.

2.5 Integrated HSEPP pathway supporting affordable housing

The HSEPP provides a coordinated framework to deliver diverse and affordable housing across New South Wales. The proposed 28-dwelling development in Woollooware with related community infrastructure, within the Sutherland Shire, is brought forward under the combined operation of:

- **Chapter 6**, which enables residential flat buildings and establishes the desired future character of the land.
- **Chapter 2, Division 1**, which provides development incentives for affordable housing contributions, including up to 30% additional FSR.
- **Chapter 2, Division 5**, which provides a strategic mechanism to deliver higher levels of affordable housing via a SCC.

This integrated framework reflects the NSW Government's intent to accelerate housing delivery through a combination of regulatory clarity, design-led controls, and affordable housing incentives. It is particularly relevant in local government areas such as Sutherland, where land is well-located and serviced but where affordable housing remains in critical undersupply.



2.5.1 Chapter 6: Establishing the land use and future character

Chapter 6 of the HSEPP (commenced 28 February 2025) applies to land zoned R1, R2, R3 and R4, and provides:

- Permissibility for residential flat buildings (RFBs) and other forms of residential development where they are otherwise prohibited under local LEPs.
- A consistent set of development standards, including height, setbacks, site width, solar access, landscaping and car parking.
- A statutory planning framework that defines the desired future character of infill housing precincts based on proximity to infrastructure and amenity.

In this case, the land is zoned R3, under the SSLEP and RFBs are prohibited, but permissible under chapter 6. The site is within walking distance of Woollooware Railway Station and meets the criteria for a chapter 6 residential flat building. Accordingly, the proposed development aligns with the land use intent and built form envisaged by the HSEPP.

2.5.2 Division 1: Incentives to support affordable housing delivery

Division 1 of part 2 of the HSEPP is specifically designed to encourage affordable housing delivery by private sector investment by providing development bonuses where a proportion of a project is reserved for affordable rental housing and supported by a registered CHP.

Key features include:

- A density bonus of up to 20-30% where between 10% and 15% of the gross floor area (GFA) is provided as affordable housing.
- Formal access to these bonuses where the affordable component is managed by a registered CHP and retained for a minimum of 15 years.
- Applicability to permissible housing types on R-zoned land under the SEPP, including residential flat buildings enabled by chapter 6.

The Woollooware proposal exceeds the minimum requirement, delivering more than 50% of dwellings as affordable housing, and is therefore eligible for the maximum available bonus under division 1. This supports the achievement of both housing diversity and viable urban density aligned with the precinct's locational attributes.

Importantly, the application of division 1 helps deliver a future character consistent with the policy's objectives and supports a sensitive intensification of land already well-served by transport and services.

2.5.3 Division 5: Strategic delivery pathway for higher levels of affordable housing

Division 5 of the HSEPP provides a strategic planning mechanism for developments where a higher level of affordable housing ($\geq 50\%$ of dwellings) is proposed. It enables the proponent (in this case, a registered CHP) to apply for a SCC for a building under clause 39.

Once issued, the SCC:

- Confirms the compatibility of the proposed building with surrounding land uses.
- Overrides local zoning prohibitions, allowing the development to proceed to assessment for construction consent.
- Removes the requirement to provide car parking, under clause 38(4), other than for build-to-rent.
- Supports clause 4.6 variations, where needed, by reinforcing the strategic and planning merit of the proposal.

The use of division 5 in this instance assists council and the NSW Government in meeting shared housing supply responsibilities. It provides a clear and lawful pathway to deliver genuine affordable housing in a middle-ring suburb, consistent with the objectives of the *NSW Housing Strategy 2041*, the *South District Plan*, and council's own LSPS.

2.5.4 Alignment of HSEPP provisions

Table 5 Coordinated application to the Woollooware site

Provision	Role in this Proposal	Planning Benefit
Chapter 6	Makes RFB permissible in R3 zone; establishes development form	Aligns land use with state-defined future character
Division 1	Offers 30% FSR bonus for 15% affordable housing (GFA)	Enhances feasibility and yields a design-responsive, mixed-income scheme
Division 5	Enables SCC for ≥50% affordable housing; confirms compatibility	Establishes permissibility and removes car parking obligations

This application for a SCC for this application reflects a strategic, lawful and outcomes-aligned approach to delivering affordable housing in Sutherland Shire. It draws on the coordinated provisions of the HSEPP to:

- Establish permissibility and built form via chapter 6.
- Maximise feasibility and incentivise affordability through division 1.
- Reinforce planning merit and compatibility through the division 5 SCC process.

Collectively, these provisions deliver a deliberate, outcome-focused flexibility to enable meritorious proposals—especially where they provide long-term, secure, affordable housing in high-need locations.

In a context of significant affordable housing undersupply in the Sutherland Shire, this proposal offers a constructive, policy-consistent response. It provides a clear delivery mechanism that supports both State and local housing objectives, encouraging private and not-for-profit investment aligned with the *NSW Housing Strategy 2041* and the *South District Plan*.

This application does not seek to bypass council's role, but rather to support council in delivering on its planning and housing responsibilities, offering a model for how collaborative, design-led and community-focused development can be achieved through the integrated application of chapter 6, division 1, and division 5 of the HSEPP.



2.6 Application of the HSEPP to 1 Panorama Avenue, Woollooware

The subject site at 1 Panorama Avenue, Woollooware is located within the Sutherland Shire local government area and is zoned R3 medium density residential under the *Sutherland LEP 2015*. Within this zone, residential flat buildings are prohibited. However, the site is clearly eligible for consideration under the HSEPP.

Clause 36 of the HSEPP states that division 5 applies to:

“land in the Greater Sydney region within 800m of—

(i) a public entrance to a railway station...”

As demonstrated in Figure 1, the site is located directly adjacent to the entrance of Woollooware Railway Station, with a measured distance of approximately 8 metres—well within the 800-metre threshold required under the SEPP.

Accordingly, the HSEPP applies to the site in the following ways:

- **Chapter 6** permits residential flat buildings on R3 land, overriding local LEP prohibitions, provided the site meets prescribed design and locational criteria. The proposal satisfies all chapter 6 requirements, including proximity to transport, minimum site width, and compliance with applicable development standards. Importantly, chapter 6 also establishes the desired future character of land to which it applies—being that of a well-located, medium-density urban environment that supports housing diversity and affordability in close proximity to public infrastructure and services. The proposed development is fully consistent with this character and delivers a building type, scale, and density that reflects this vision.
- **Division 1** provides a development incentive framework for infill affordable housing. Where 10–15% of gross floor area is delivered as affordable housing, a bonus of up to 20-30% FSR may be accessed. The proposed development exceeds this threshold, with over 50% of dwellings to be delivered as affordable housing, managed by a registered CHP. The project is therefore eligible for the maximum available bonus, supporting a feasible and policy-aligned housing outcome.
- **Division 5** enables the proponent, as a registered CHP, to apply for a SCC. The SCC, once issued, confirms the compatibility of the proposed development with surrounding land uses and permits development consent to be sought despite the LEP prohibition. Under clause 38(4), no car parking is required for division 5 developments (except where build-to-rent applies), further supporting compact and cost-efficient housing delivery on the site. An SCC efficiently issued can be a supportive commercial tool to assist align resources to progress the development to a sustainable delivery completion.

This report has been prepared in support of the SCC application and addresses the matters in clause 39(6) of the HSEPP, demonstrating that:

- The proposed development is compatible with surrounding existing and approved land uses.
- The bulk and scale of the building is appropriate and consistent with the intended urban form under chapter 6.
- The site is supported by adequate services and infrastructure.

- The development will not result in adverse environmental impacts.
- The final detailed design will be resolved through the DA process via regional panel assessment in a manner consistent with the HSEPP and broader state planning objectives.



Figure 1 Distance of site from Woollooware railway station – approx. 10 metres

3 Site description and context

3.1 Site description

The land to which this SCC application applies is located at 1 Panorama Avenue, Woollooware. As shown in Figure 1, the site is located on the south side of the Woollooware railway station and immediately adjoins its southern entrance. The site is known legally as Lot 11 in DP 1967.

As shown in the attached survey plan (Appendix A), the site has a frontage of 18 metres to Swan Street and 31 metres to Panorama Avenue. The interface with the railway line is 32 metres and a common boundary to 3 Panorama Avenue of 24.6 metres. The land the subject of this SCC application is further identified in Figures 2 and 3.

The subject site comprises one lot and is known legally as follows:

Table 6 Site description

Address	Lot details	Area (m ²)
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1 Panorama Avenue	Lot 11 in DP 19678	674.9m ²
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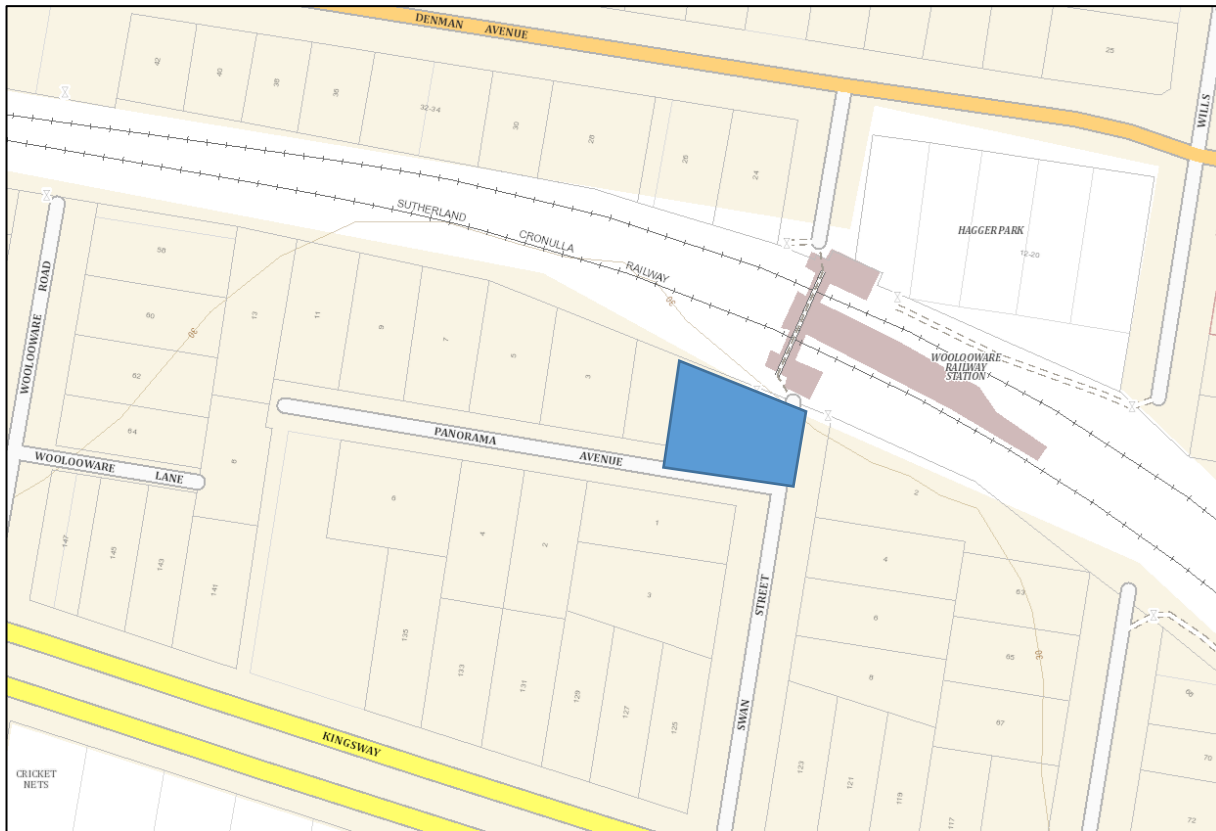


Figure 2 Site description (Source: Six Maps)



Figure 3 Aerial view of the subject site (Source: Six Maps)



Figure 4 Aerial Photograph (Source: Six Maps)

3.2 Site context

The site is currently zoned R3 medium density residential under the Sutherland Local Environmental Plan 2015.

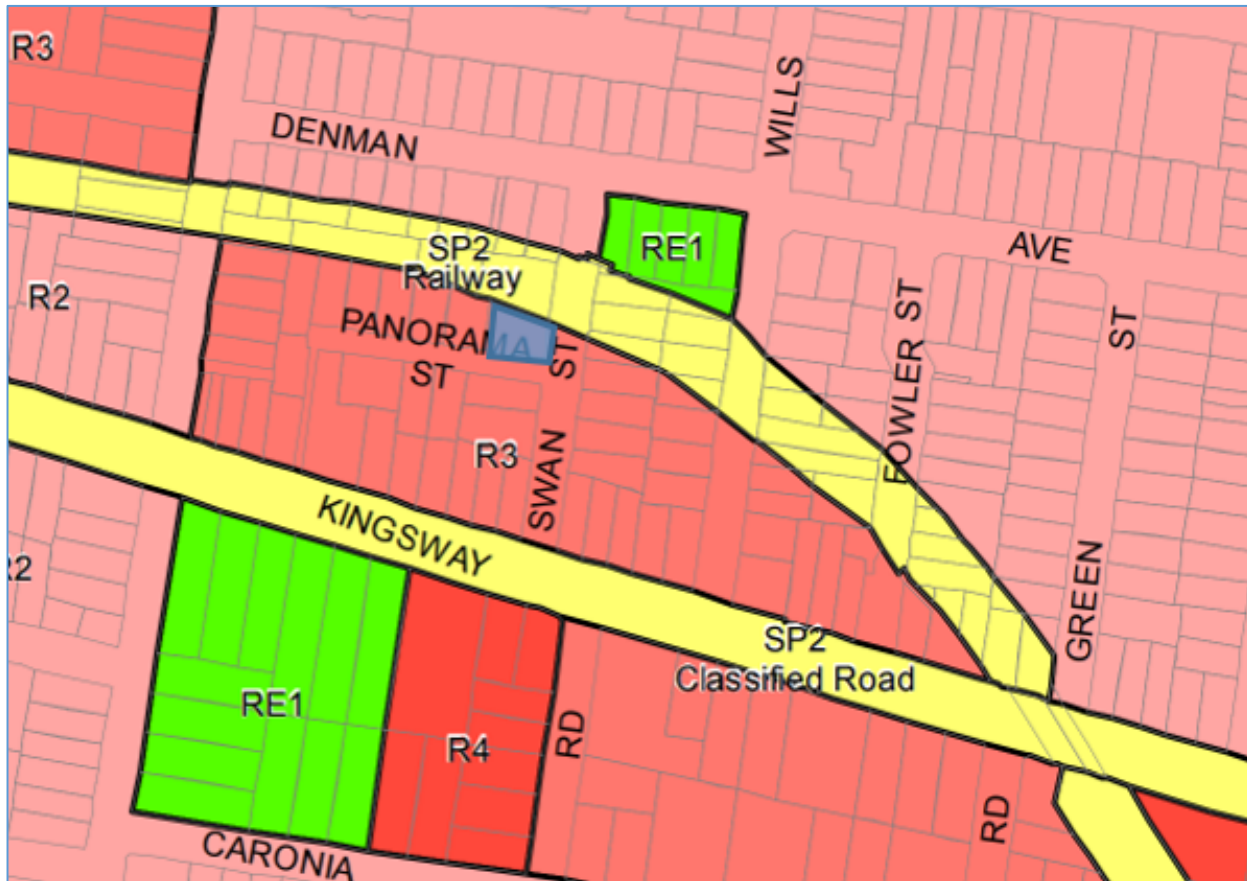


Figure 5 Zoning map SSLEP 2015

The site is within a developed residential urban environment. It is bound by the T4 Cronulla railway line and the Woollooware railway station to the north, Panorama Avenue to the south, Swan Street to the east and residential development to the west.

The area is characterised by a mixture of single dwelling houses and residential flat buildings. Swan Street in particular contains a number of two storey residential flat buildings. On the south side of the Kingsway, development includes up to three to four storey development in a R4 high density residential environment.

The site itself only has one residential interface with 3 Panorama Avenue. The site benefits from being a corner site next to the train station entry. This also provides an opportunity for a form of ground floor commercial use to complement the transport infrastructure without creating a land use conflict with other nearby residential development. The location of the site in the context of surrounding development is illustrated in Figure 6 below.

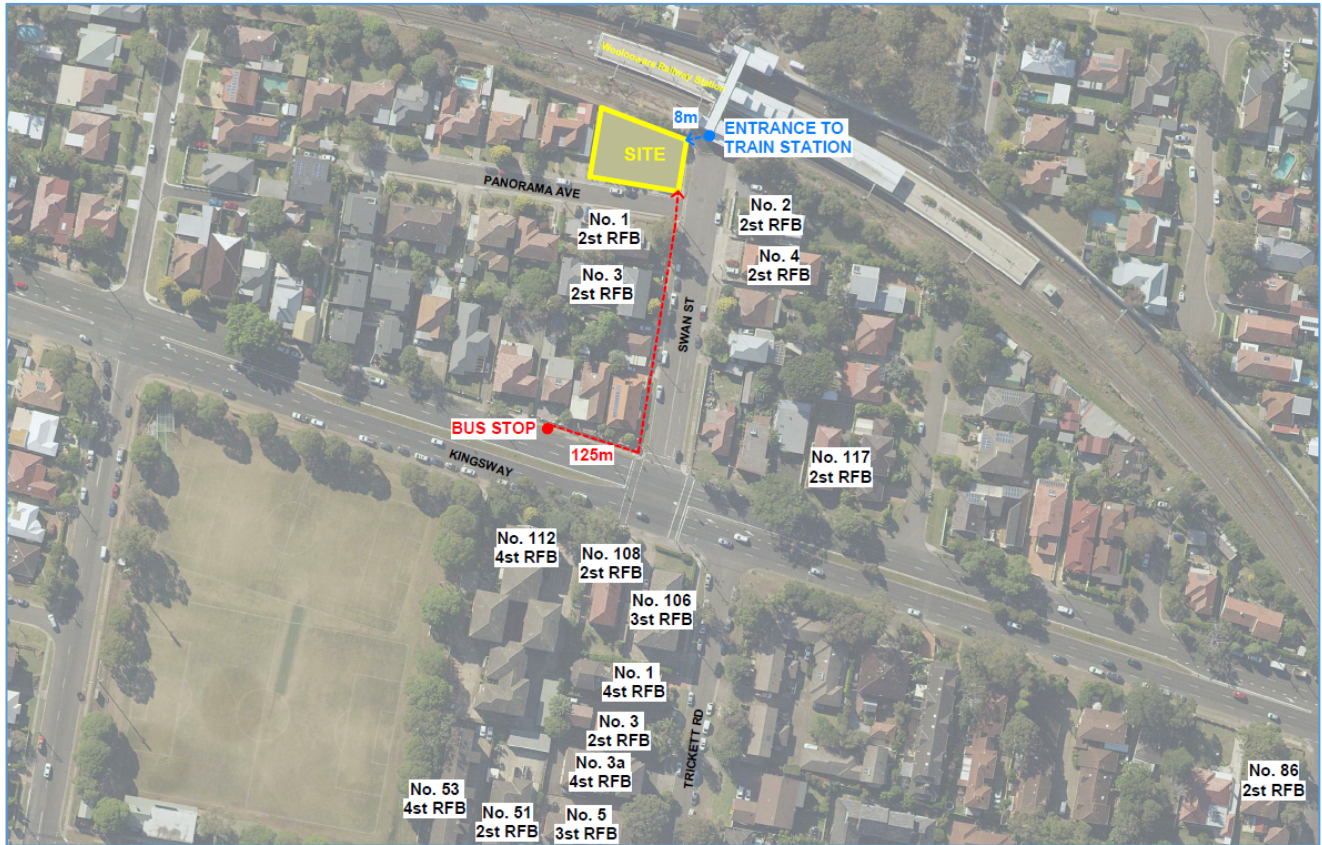


Figure 6 Site context



Figure 7 Subject site within context of Woollooware rail station



Figure 8 Proximity to station entrance



Figure 9 View north along Swan Street towards train station



Figure 10 Opposite residential flat development: 2 -4 Swan Street



Figure 11 Older residential apartment developments on south side of The Kingsway



Figure 12 View along Swan Street looking south toward the Kingsway



Figure 13 View corner of Swan Street and Panorama Avenue



Figure 14 View east along Panorama Avenue

3.3 Existing environment

The site is currently occupied by a single storey detached residential dwelling with ancillary garage and swimming pool. The site is substantially cleared of significant vegetation with a landscaped setback associated with the front garden. Some existing remnant vegetation is located on Sydney Trains land to the north, unaffected by the proposed development.

The site is relatively flat, with a slight slope along Panorama Avenue to the east.

The site is in an urban context and there are no known hazards or other natural constraints to the site.

4 Description of the proposal

This report provides a detailed description of the development proposal in support of the application for a SCC that will facilitate 28 dwellings, of which 50% of the accommodation will be used for the purpose of affordable housing. The development proposal is for an eight storey residential flat development in a strategic location adjoining the railway station.

4.1 Development overview

An overview of the development proposal is included in Table 7 below:

Table 7 Development overview

Address	1 Panorama Avenue, Woollooware
Site Description	Lot 11 in DP 19678
Area	674.9m ²
Community Housing Provider	Pacific Community Housing
LGA	Sutherland
Zoning	R3 Medium Density Residential

Permissibility	The site is zoned R3 Medium Density Residential under the Sutherland LEP 2015. 'Residential flat buildings' are prohibited in the R3 Medium Density Residential zone. Therefore, division 5 of the HSEPP 2021 applies.
Development Description	The application seeks a new SCC for the site, to facilitate the demolition of existing development on the site and the construction of an eight storey residential flat building supporting 28 dwellings, with a ground floor commercial area. Of the 28 dwellings 14 will be designated as affordable housing pursuant to the provisions of division 5 of the HSEPP 2021.

4.2 Development context

The subject site at 1 Panorama Avenue, Woollooware is located directly adjacent to Woollooware Railway Station and within an established but underutilised residential precinct. The site presents a unique opportunity to contribute to affordable housing supply in a locality where long-term undersupply and affordability constraints have been well-documented by both the NSW Government and council.

According to the *NSW Local Government Housing Kit* (updated 2023), only 16.2% of rental stock in the Sutherland Shire is affordable to low-income households, and just 1.3% is affordable to very low-income households—a figure well below the NSW average. This disparity highlights a structural affordability challenge in the LGA, particularly for renters. The situation is further exacerbated by low vacancy rates and high competition for limited affordable stock.

The need for action has been reinforced by the *NSW Government's Housing 2041 Strategy* and associated planning reforms, which emphasise the urgent requirement to deliver more social and affordable housing through better use of well-located land, improved regulatory frameworks, and partnerships with CHPs. The strategy explicitly identifies the need to deliver more affordable housing in middle-ring suburbs, such as Woollooware, with good access to public transport, jobs, and services.

The subject proposal directly addresses these priorities by delivering a shop-top housing development with 50% of dwellings designated as affordable housing, managed by a registered CHP. The site's location within 10 metres of the Woollooware train station entrance positions it ideally to support affordable, transit-oriented housing.

The importance of such outcomes is also embedded in council's *Local Strategic Planning Statement* (LSPS) (September 2020), which recognises the significant shortage of affordable rental housing in the LGA and outlines the role of planning controls in enabling its delivery. Key LSPS extracts include:

- *Page 4:* "The LSPS must give effect to other plans and policies... including State Environmental Planning Policies (SEPPs)..."
- *Page 54:* "In September 2017, only 16% of rental stock in Sutherland Shire was affordable for very low and low income households. Research and policy development is required to facilitate more affordable rental housing."

- **Action 10.4 – Planning Priority 10:** “Collaborate with the CHPs Industry Association, CHPs... to deliver affordable rental housing and explore ways that supply can be enhanced.”

The LSPS confirms council’s strategic obligation to support affordable housing, particularly when proposals are brought forward by accredited providers and are consistent with HSEPP provisions. This is not only a policy position, but a practical response to growing inequality and housing stress in the region.

Further, the Equity Economics report *Supporting Economic Recovery in NSW* (commissioned by NCOSS and others in 2020) continues to be relevant. It identified investment in affordable and social housing as one of the most effective interventions to support jobs, reduce inequality, and stimulate construction-led recovery. In the context of rising living costs, that policy rationale is even more applicable today.

This proposal also reflects a shift in housing delivery mechanisms. In Sutherland Shire, new private market housing typically targets higher price points. Without a mechanism like division 5 of the HSEPP, the land’s underlying zoning would prohibit a residential flat building, and the site’s full capacity to deliver affordable housing would remain unrealised. The additional permissibility and development capacity enabled by the SEPP is essential to the financial viability of the proposal, allowing value uplift to be captured and reinvested into long-term affordable housing delivery without reliance on public subsidy or levies.

The current proposal builds on a previously approved SCC (issued October 2020), which confirmed the site’s suitability for a building for affordable housing. Since that time, the need for well-located, transit-adjacent affordable rental housing has only grown. The updated design reflects the latest planning context under chapter 6 and schedule 11 of the HSEPP and offers a more efficient and policy-aligned development model.

4.2.1 Development overview

The proposed development involves the demolition of the existing dwelling and clearance of the site, followed by the construction of an eight-storey mixed-use housing development comprising 28 apartments and a ground floor commercial tenancy. The development has been designed by Stanisic Architects and is depicted in the architectural design package at Appendix B.

The proposal reflects the application of the current planning framework under the *Housing SEPP 2021*, including chapter 6 (standard development controls), division 1 (infill affordable housing), and division 5 (site compatibility certificates). It responds to the strategic planning intent for increased housing density in walkable transport catchments and has been designed to align with the desired future character identified under chapter 6 and schedule 11 – low and mid-rise housing areas, where the site falls within the ‘inner core’ catchment of Woollooware Station.

Table 8 Development controls HSEPP and project alignment

Control	HSEPP Standard	Proposed by Project
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Zoning	R3 Medium Density Residential under LEP	R3 zone subject to HSEPP
Permissibility (Residential Flat Buildings)	Prohibited under LEP	Permitted under division 5 and chapter 6 of SEPP
Applicable HSEPP Provisions	Chapter 6, division 1, division 5 apply concurrently	Applies all three provisions.
Maximum Building Height (chapter 6)	24m base height; up to 31.2m with 30% bonus	29m proposed within 31.2m limit
Floor Space Ratio (chapter 6 + division 1)	2.2:1 base; up to 2.86:1 with bonus	2.86:1 proposed meets max allowed
Affordable Housing Bonus (Division 1)	Bonus applies with 10-15% AH GFA; max 30%	50% of dwellings as AH exceeds threshold
Eligibility for SCC (Division 5)	Must be within 800m of station and provide 50% AH and an RFB be a prohibited use in the LEP zone. CHP supported.	Complies RFB prohibited LEP R3 zone, and within 8m of station; 50% AH; CHP involved
Minimum Site Width	Minimum 20m (Inner Core under chapter 6)	31m compliant
Minimum Site Area	No SEPP minimum under division 5	674.9m ² compliant
Deep Soil Zone Requirement	Minimum 15% of site area	24% proposed exceeds requirement
Landscaped Area Requirement	Minimum 30% of site area	32% proposed exceeds requirement
Car Parking Requirement â€œResidential	No residential parking required (Division 5, cl. 38(4))	None proposed for residents compliant (alternate transport modes promoted).
Car Parking Requirement â€œCommercial	DA to confirm number to support waste and commercial uses management.	To be confirmed for 60m ² commercial tenancy
Active Ground Floor Use	Café use not permitted under LEP; requires secretary's intervention or future policy update	60m ² cafe proposed requires enabling mechanism

The development seeks to achieve the following outcomes:

- A maximum building height of 29 metres, consistent with the non-discretionary height limit of 31.2 metres under division 1 of the SEPP (24m × 130%), incorporating a rooftop communal room and landscaped terrace.
- A maximum FSR of 2.86:1, which aligns with the allowable FSR for shop-top housing in the inner core (2.2:1 × 130%) under division 1.
- A mix of apartment types (studio, one-, two-, and three-bedroom dwellings), designed in accordance with the ADG, providing a high level of residential amenity, orientation, and solar access.
- 50% of the apartments to be provided as affordable housing, managed by PCH, a registered CHP, and secured under clause 40 of the HSEPP for a minimum of 15 years.
- A ground floor commercial tenancy of approximately 60m² fronting Swan Street, proposed to operate as a café or similar community-serving use to promote activity and

social connection, strengthening the urban structure at the station entrance and contributing to the viability of shop-top housing as defined in chapter 6, part 4 of the HSEPP.

- No residential car parking, in accordance with clause 38(4) of division 5, which exempts such development from car parking requirements. Car parking will be provided only for the commercial use. Additional on-site infrastructure includes 28 bicycle spaces and visitor motorcycle parking, promoting low-impact, active transport modes.

The design reflects key built form principles established in schedule 9 and the ADG and responds to the site's context and topography. The massing, articulation, and orientation have been developed to achieve compatibility with both the existing neighbourhood character and the planned future context of the Woollooware Station precinct as envisaged by the HSEPP.

The proposal also incorporates a rooftop communal space with associated internal communal room, optimising resident amenity and addressing acoustic privacy in proximity to the railway corridor. Apartments are designed for solar access, cross-ventilation, visual privacy, and meet or exceed ADG requirements for private open space, accessibility, and internal amenity.

This new proposal replaces the earlier 3-storey, 12-apartment scheme that was the subject of previous SCCs (issued in 2020 and 2023) and is reflective of the revised planning context following the introduction of chapter 6 and schedule 11 in February 2025. The updated scheme leverages the full extent of development opportunities now available under the SEPP, while still achieving a design that is context-sensitive, deliverable, and strategically aligned with state housing policy.

4.3 Development and design principles

4.3.1 *Integration of design quality and architectural expertise*

The architectural design of the proposed development at 1 Panorama Avenue, Woollooware has been led by Stanistic Architects, a practice with over three decades of experience in delivering socially responsive and climatically adaptive residential developments across metropolitan Sydney¹². Under the leadership of Frank Stanistic, the firm has developed a reputation for integrating high urban design standards with sustainability, affordability, and community wellbeing.

Stanistic Architects' approach is rooted in the belief that residential buildings should be both functional and enriching. Their portfolio demonstrates a consistent emphasis on:

- Deeply contextual design, informed by climate, topography, and existing urban fabric.
- Communal open space integration, promoting social cohesion and passive surveillance.
- Natural cross-ventilation, daylight access, and material authenticity, enhancing long-term liveability.
- Public interface and permeability, ensuring that buildings positively contribute to the street and broader precinct.

¹² Stanistic Architects. *About Us*. <https://www.stanisticarchitects.com.au/about-us>

These principles are evident in award-winning developments such as the *Imperial* in Hurstville¹³, which received the 2018 Australian Institute of Architects Architecture Award for Multiple Housing, and the *Edo* project, which was honoured with the national AIA Frederick Romberg Award¹⁴ and the inaugural AIA Aaron Bolot Award in 2008¹⁵. Additional award-winning developments such as the Montgomery project in Kogarah¹⁶ and Edmondson Park¹⁷, where a combination of affordable housing and publicly accessible courtyards achieved a strong balance between density and amenity provide the applicant with confidence that a high quality scheme will prevail. The Woollooware proposal benefits directly from this expertise—exemplifying a compact, infill typology that is both spatially efficient and responsive to its landscape and station-adjacent context.

In particular, the refined building form, generous communal spaces, deep soil zones for planting, and the building's strong connection to the public domain demonstrate alignment with the Better Placed design policy and the HSEPP performance objectives. Stanistic's application of design-led planning logic ensures that density is delivered with quality, and that social outcomes are embedded in the fabric of the built form.

The practice's experience in both the affordable housing and urban renewal sectors has played a pivotal role in shaping a design that is not only permissible under the HSEPP, but also exemplary in its expression of amenity, context, and community value.

4.3.2 Built form and scale

The proposed development is an eight-storey residential flat building development that responds to the site's corner location, transit adjacency, and planned mid-rise future character under chapter 6 and schedule 11 of the HSEPP. The building form is consistent with the permissible height and FSR bonuses available under division 1 and has been refined in accordance with the principles of schedule 9 and the ADG.

The development proposes a maximum height of 29 metres, which is within the non-discretionary maximum of 31.2 metres (24 m + 30% bonus for affordable housing) under division 1. The proposed FSR of 2.86:1 also complies with the 2.2:1 base FSR plus 30% bonus available for delivering 15% affordable housing. The proposal exceeds that threshold, with 50% of dwellings proposed as affordable housing, secured through partnership with PCH.

¹³ Stanistic Architects. *Imperial Hurstville*. <https://www.stanisticarchitects.com.au/my-projects/imperial-hurstville>

¹⁴ Australian Institute of Architects, "Frederick Romberg Award for Residential Architecture – Multiple Housing," *Architecture Australia*, November 2008

¹⁵ Australian Institute of Architects, "Aaron Bolot Award for Residential Architecture – Multiple Housing," 2008.

¹⁶ Stanistic Architects. *Montgomery, Kogarah*. <https://www.stanisticarchitects.com.au/montgomery>

¹⁷ Stanistic Architects. *Edmondson Park*. <https://www.stanisticarchitects.com.au/edmondson-park>

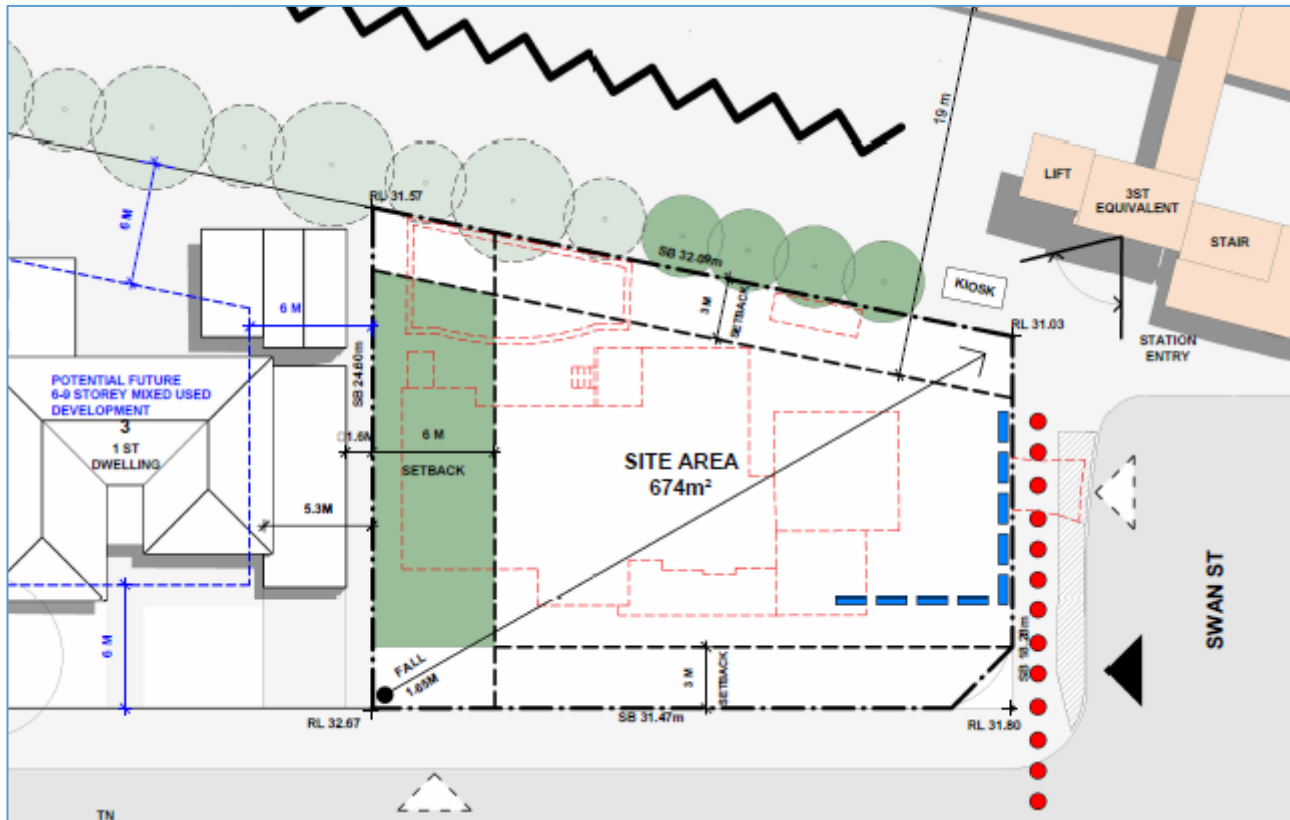


Figure 15 Site setback plan

The built form responds sensitively to all site boundaries:

- A setback of 6.0 metres is proposed to the western boundary shared with 3 Panorama Avenue, a low-scale residential property. As discussed with council's director of planning and manager of assessments, this setback is enhanced with a landscape edge designed to accommodate the planting of canopy trees capable of reaching a mature height, reinforcing visual and privacy buffers and supporting the future transition of the precinct.
- A setback of 3 to 4.95 metres is provided to Panorama Avenue, which ensures a gentle transition to lower scale development and integrates with the streetscape and topography.
- A nil to 3-metre setback to Swan Street enables ground floor activation adjacent to Woollooware Station and supports the proposed commercial tenancy.
- Internal communal open spaces are located at ground and rooftop levels, supported by 24% deep soil and 32% overall landscaped area, exceeding minimum chapter 6 HSEPP standards.

The building's mass is further moderated by vertical modulation, recessed balconies, and material variation. The roofscape includes a communal room and landscaped terrace with views over the station. The form establishes a strong corner presence while maintaining visual permeability and ensuring a comfortable relationship to neighbouring buildings.

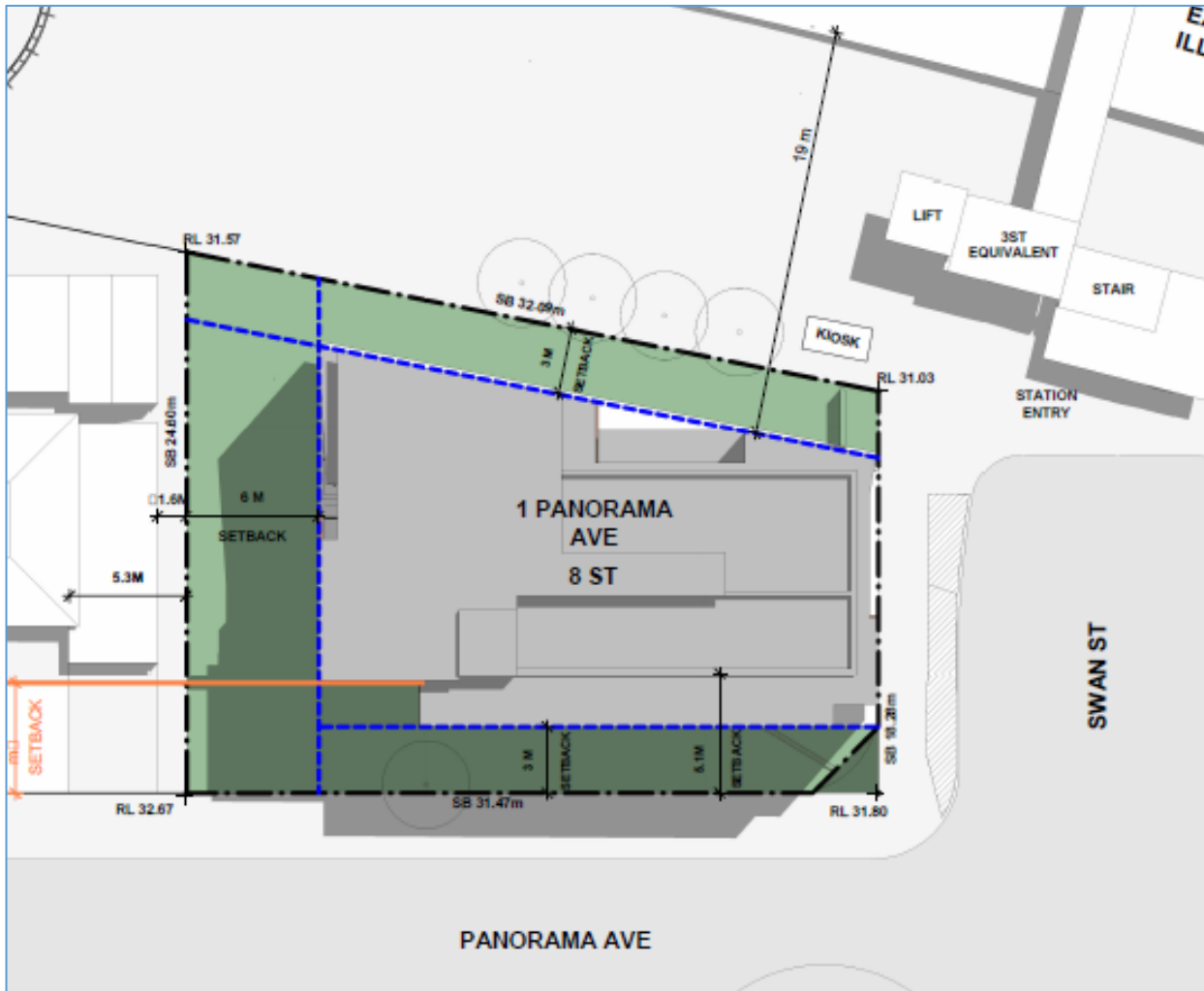


Figure 16 Building location relevant to setbacks

Importantly, the building scale is consistent with the 6–9 storey typology identified in schedule 11 of the HSEPP, and the setbacks allow for future development on adjoining lots without constraint. The project represents a transit-supportive mid-rise built form, suited to its station-adjacent location and in line with state planning objectives for well-located affordable housing.

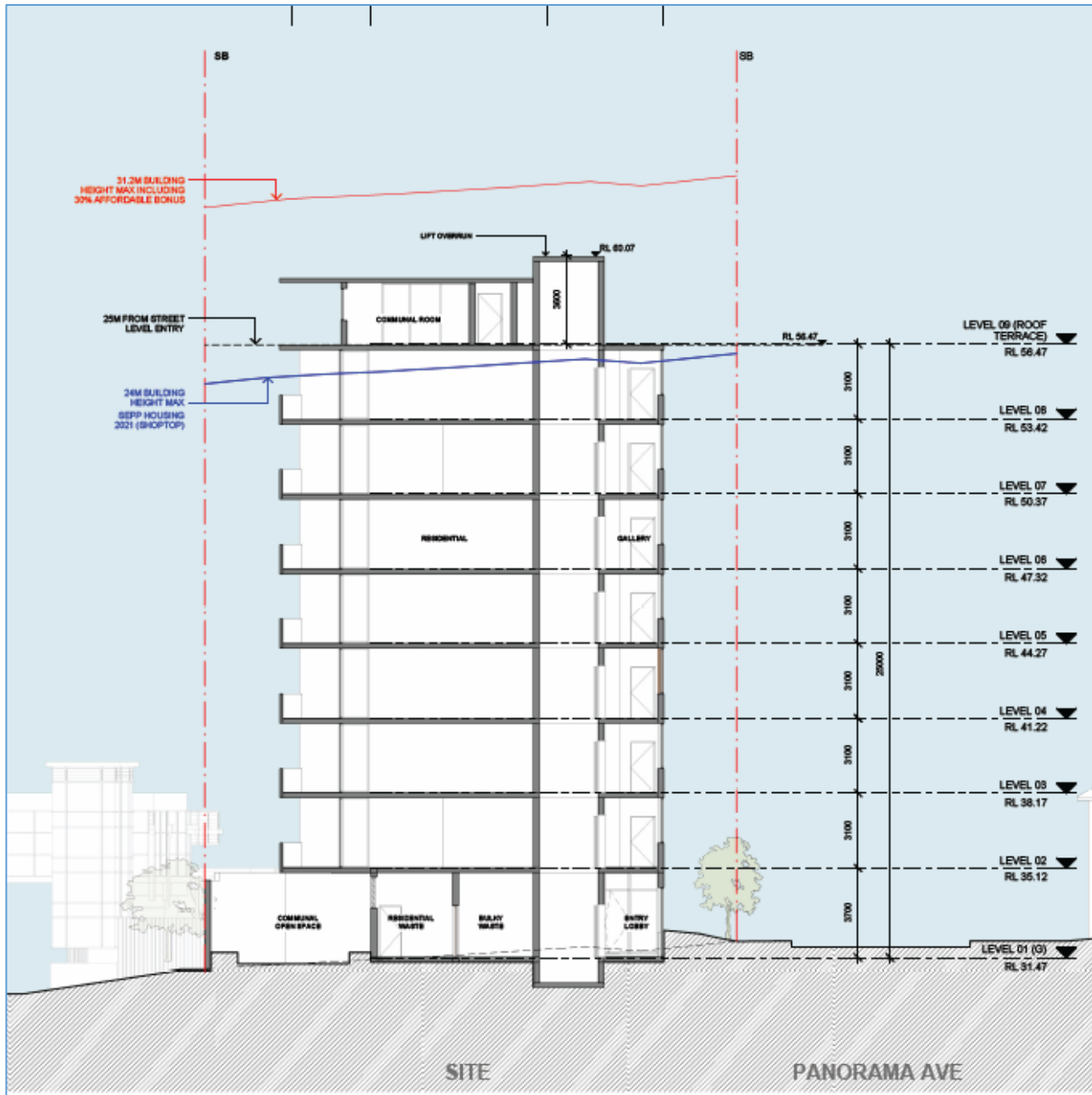


Figure 17 Building section and height

The building comprises a single form on a corner site with dual street frontages, with a 3 metre setback to Panorama Avenue (increasing to 4.95 metres to the west, adjacent to 3 Panorama Avenue) and a nil to 3 metre setback to Swan Street.

4.3.3 Apartment size and layout

The development includes 28 apartments in a mix of studio, 1-bedroom, 2-bedroom and an option for 3-bedroom configurations. Earlier sketch designs by Stanisic proposed an option of a level with a 4 single bedroom configurations (Figure 19). This option was subsequently removed noting social analysis advise considered a wider diversity of dwellings was desirable and the option to have an expanded larger family unit (3 bed combination of studio and 2 bed unit) on each level was a positive social benefits option. A minimum of 50% of these dwellings (14



apartments) will be managed as affordable housing by PCH, a registered CHP, for a minimum of 15 years under clause 40 of the HSEPP.

The apartments are designed to support a diverse tenant mix, including key workers, single parents, couples with children, individuals with a disability and reflect the demand for secure, high-amenity affordable housing in proximity to public infrastructure.

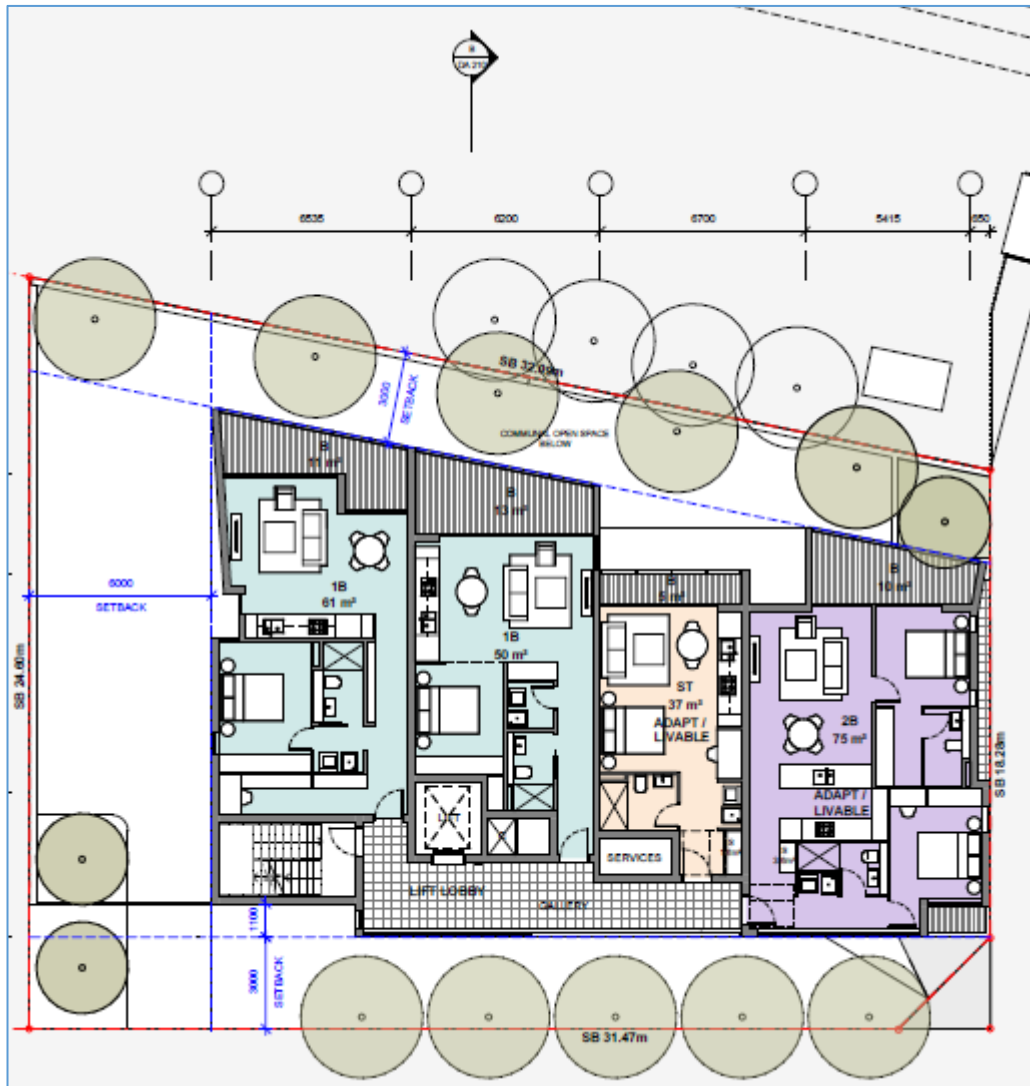


Figure 18 Proposed typical floor

The building is serviced by a single lift core and internal gallery access. The layout has been designed to maximise solar orientation, with living spaces directed north, east or west and gallery access to the south for shade and ventilation. The proposal satisfies the ADG criteria for:

- Minimum internal areas: studios ($\geq 37\text{m}^2$), 1 beds ($\geq 50\text{m}^2$), 2 beds ($\geq 70\text{m}^2$), 3 beds ($\geq 90\text{m}^2$).
- Minimum 3.6m living room widths for studios and 1 beds; 4.0m for 2 beds.
- All bedrooms within 8m of a window.
- Direct access from living areas to private open space.
- All apartments achieving 100% of required internal storage.



- Option exists for the studio and 2 bedroom apartments to be a linked to accommodate a single household as maybe required.

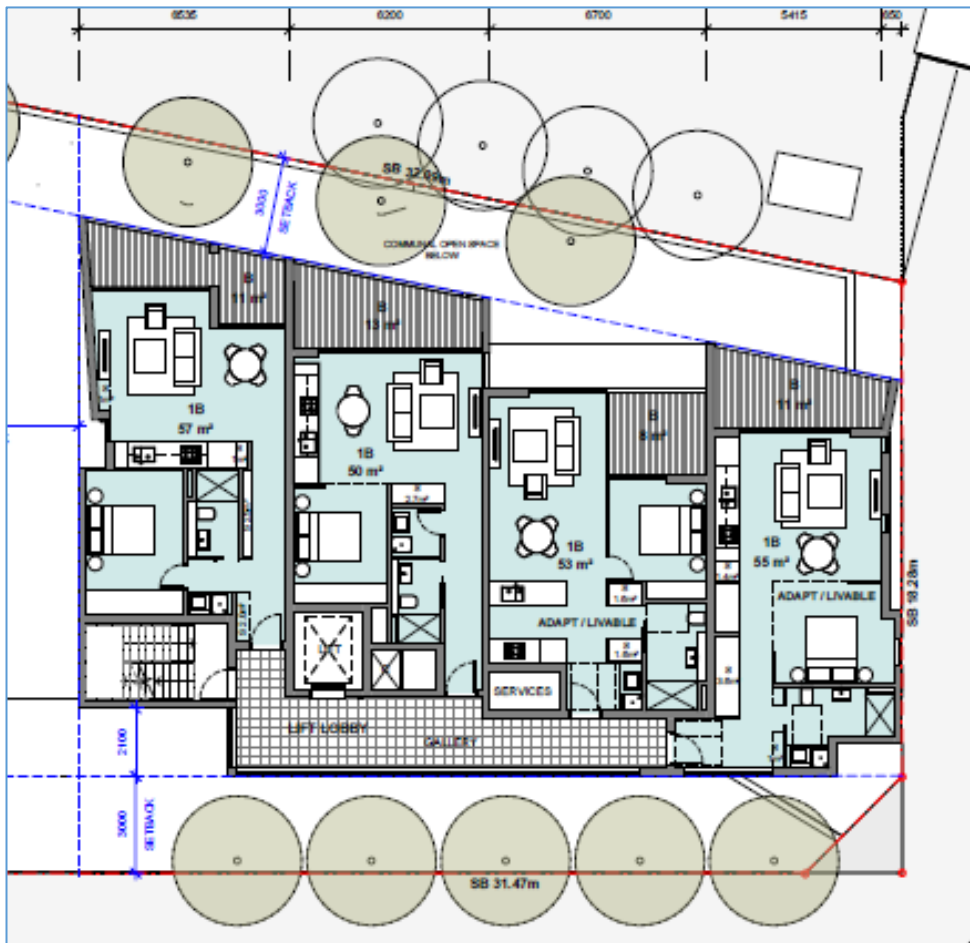


Figure 19 Proposed alternate floor option not progressed

A total of 6 apartments (21%) will achieve 'Silver Level' Liveable Housing Design Guidelines, and another 6 apartments (21%) are proposed as adaptable dwellings, meeting the requirements of AS 4299. These provisions exceed the minimum standards under the ADG and Sutherland DCP 2015.

4.3.4 Landscape and common areas

The development provides high-quality communal and landscaped open spaces, supporting both passive and active use. In accordance with HSEPP division 1 requirements, the site provides:

- 166m² (24%) deep soil zone (exceeding the 15% minimum).
- 216m² (32%) total landscaped area (exceeding the 30% minimum).

These spaces include level 1 courtyard zones and a roof terrace communal area, supporting a mix of activities including informal gathering, relaxation, and passive recreation. Landscaping integrates with building entries and setback areas and promotes a green interface to Panorama Avenue and Swan Street.



Following consultation with council's director of planning and the manager of assessment, the design of the scheme will incorporate a landscaped buffer along the western boundary (3 Panorama Avenue) to enable planting of mature trees, enhancing privacy, screening, and environmental performance.

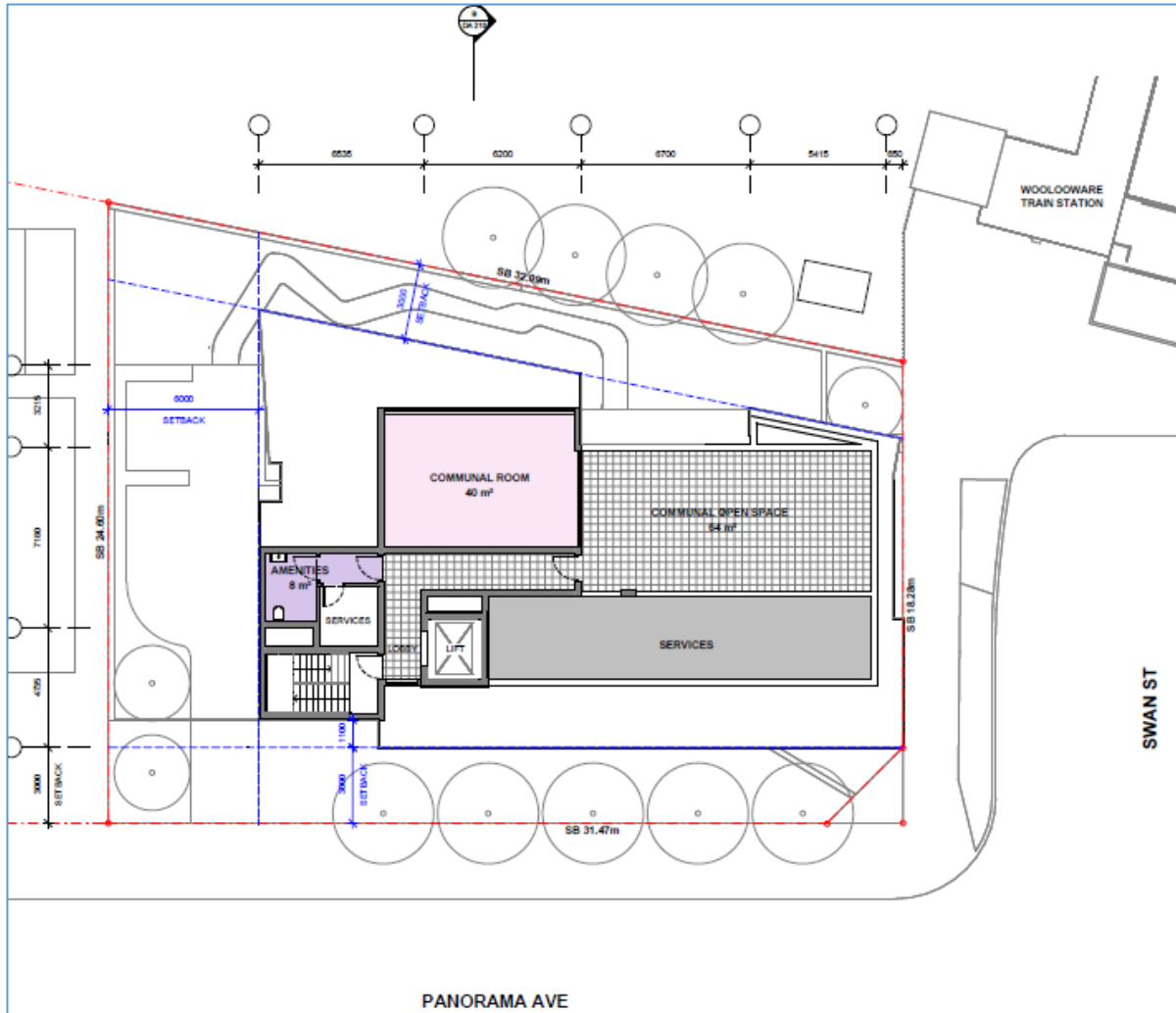


Figure 20 Communal room and connected roof top area.

Landscape areas are designed and will be confirmed through detailed landscape documentation at the development application stage.

4.3.5 Access and vehicles

As permitted under clause 38(4) of division 5 of the HSEPP, no car parking is provided for the residential dwellings. This is consistent with the policy intent to deliver cost-effective, sustainable housing close to public transport. The site is directly adjacent to Woollooware Station, and the design encourages alternative transport modes. The SCC application is supported by a traffic and parking report (Appendix F).

The development provides:

- 28 secure bicycle spaces (1 per apartment).
- 3 motorcycle spaces.



- Loading and waste collection zones accessible from Panorama Avenue.

Car parking is provided only for the non-residential tenancy (60m² café space). Any further detailed design related to servicing, including access for emergency and delivery vehicles, will be addressed at DA stage. Preliminary considerations are being progressed for a shore car system for future tenants. Further detail on transport methodology is under heading 4.3.9.

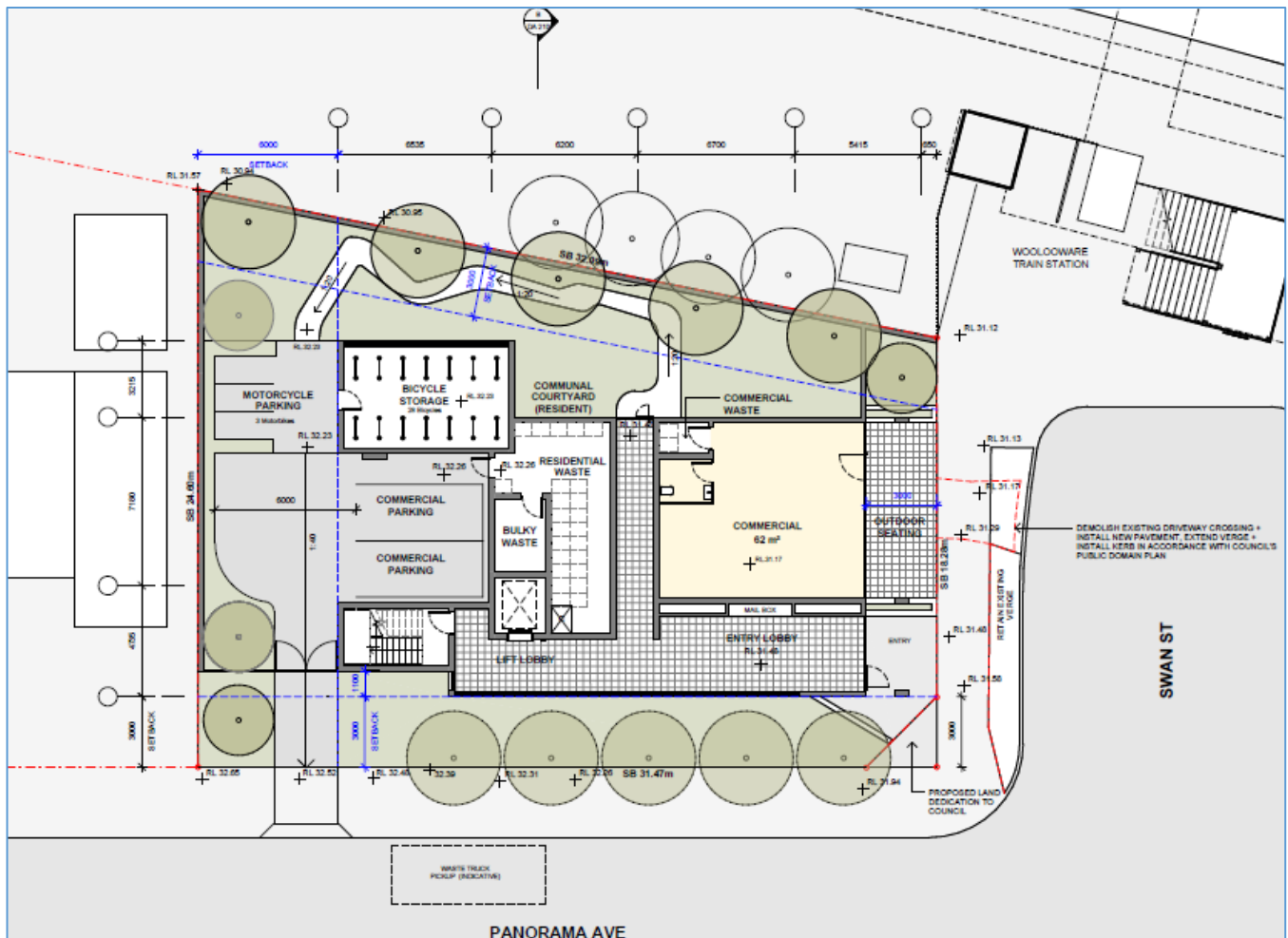


Figure 21 Proposed ground floor layout with proposed additional tree planting

4.3.6 Amenity

The proposal achieves exemplary amenity outcomes, including:

- 100% of apartments (28/28) receive 2+ hours of solar access in mid-winter (ADG target: 70%).
- 75% of apartments (21/28) are naturally cross-ventilated (ADG target: 60%).
- All living rooms meet ADG minimum widths (3.6m for studio/1B, 4.0m for 2B).
- Private open space meets or exceeds ADG minimums:
 - Studios: 5m²
 - 1-bed: 8–13m²
 - 2-bed: 15m²
- High-quality visual and acoustic privacy via design orientation, louvres, and material selection.

- No ground-level apartments, enhancing privacy and interface.
- Universal design: 6 apartments (21%) meet Liveable Housing ‘Silver’ standard; 6 apartments (21%) are adaptable.

The entry lobby is recessed and activated with planting at eye level, providing a welcoming threshold. The roof terrace offers additional amenity, distant from traffic and rail noise, and includes a communal room for resident use.

Additional comments from on residential amenity can be found in the Architectural design report (Appendix C).

4.3.7 Solar access

Sun eye view diagrams and shadow diagrams have been prepared at the winter solstice and illustrate the existing context. These diagrams confirm that all affected existing dwelling will continue to receive 2 hours of solar access at mid-winter.

Indicative future forms have been developed for the surrounding context to test whether the proposal will restrict development on these sites, primarily by overshadowing. Sun eye view diagrams and shadow diagrams (Appendix B) have been prepared at the winter solstice and illustrate the future context. These diagrams confirm that future residential apartment buildings are capable of achieving 2 hours of solar access and the proposal does not restrict development on affected sites in any way.

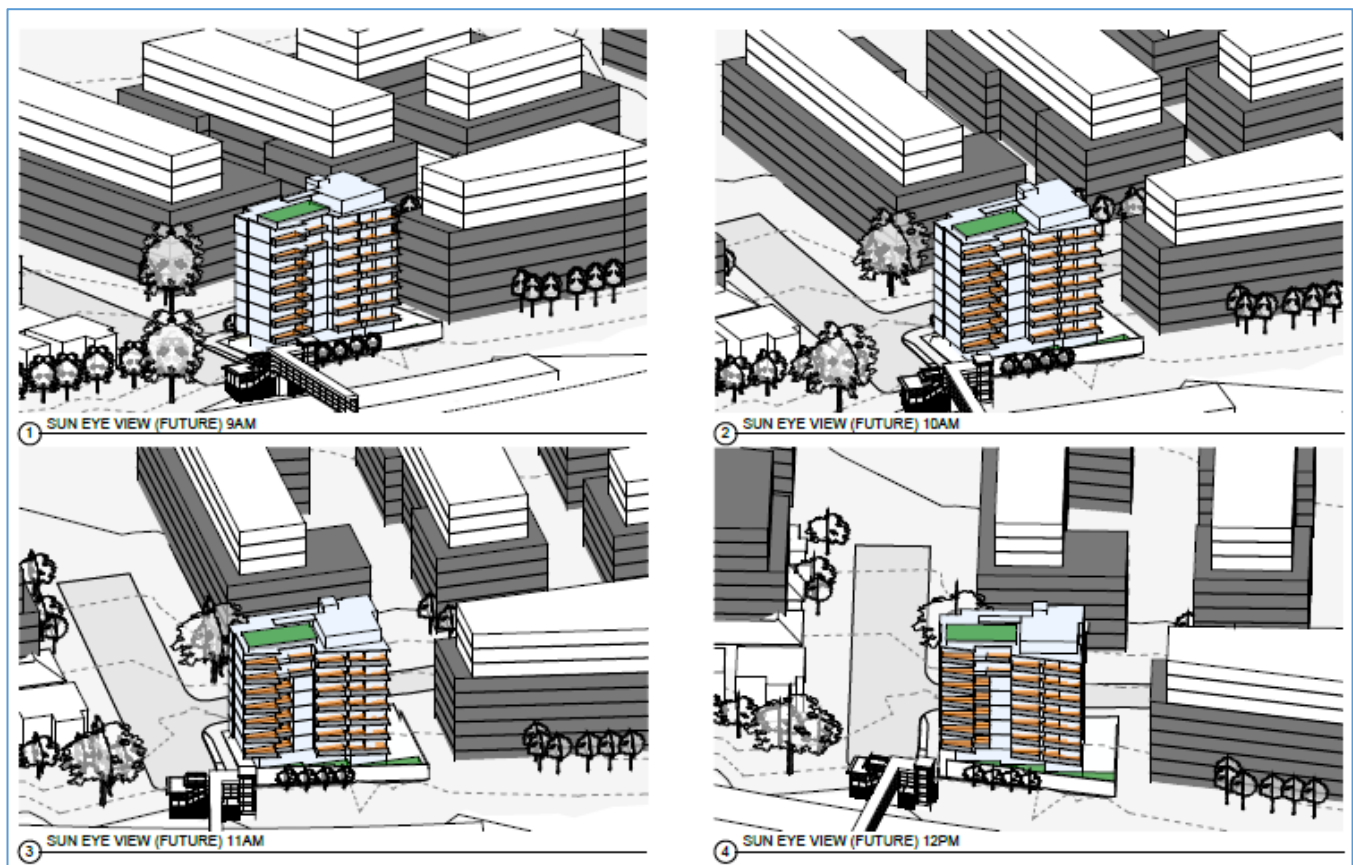


Figure 22 Sun eye view example future built form

4.3.8 Infrastructure and services

The site is located within a fully serviced urban area and is connected to electricity, water, sewer, telecommunications and stormwater infrastructure. No service constraints have been identified for residential use.

Utility upgrades (if required) will be confirmed and addressed during detailed design and the development application phase. The compact, efficient footprint of the development ensures that public domain infrastructure will not be unduly impacted.

4.3.9 Transport access methodology

This application proposes the omission of on-site car parking for residents for passenger cars based on the site's exceptional proximity to public transport and the clear economic, social, and planning rationale to do so. The subject site lies within 8 metres of a train station—an accessibility threshold recognised across NSW and international planning frameworks as justifying transport-oriented development principles, including reduced car dependency and parking flexibility.

The proposed approach aligns with the intent and statutory operation of division 5 of the HSEPP 2021, which enables feasible, well-located affordable housing by permitting variations to local planning standards where justified by site compatibility and public benefit. Parking controls are one such standard where local imposition may erode the viability and yield of affordable housing.

4.3.9.1 Cost and feasibility impacts

As illustrated in the graph below, the inclusion of car parking spaces adds substantially to per-unit construction costs. Research by the NSW Productivity and Equality Commission (2024)¹⁸ indicates that a single car space can increase development cost by \$93,000 per dwelling, equivalent to a 20–25% cost premium. In this proposal, those funds are better directed toward high-quality design, landscaping, and deeper affordability.

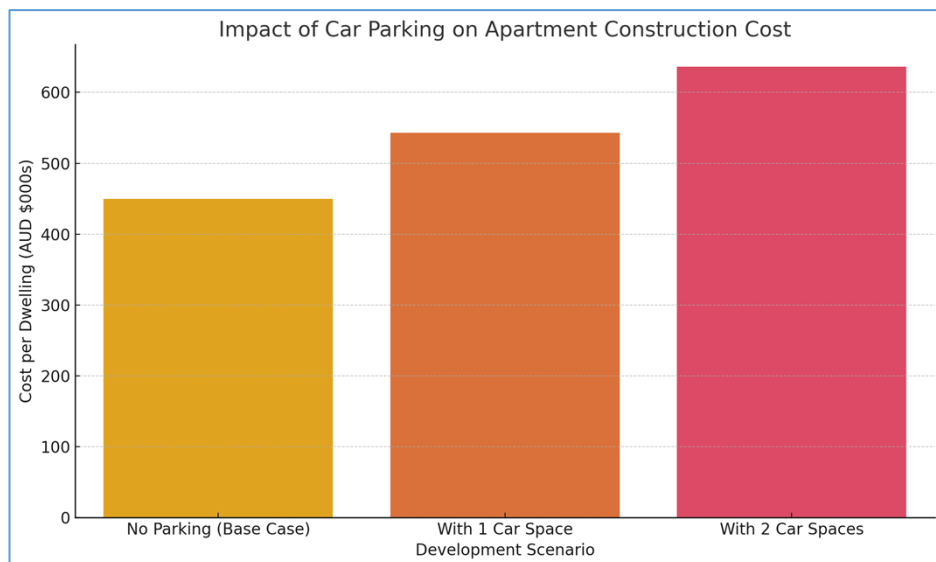


Figure 23 car parking cost delivery impacts

¹⁸ NSW Productivity and Equality Commission. (2024). Review of Housing Supply Challenges and Policy Options for New South Wales. <https://www.productivity.nsw.gov.au>

This finding is reinforced by AHURI’s Investigative Panel Report (*Urban Regulation and Diverse Housing Supply*, 2020)¹⁹, which states that projects delivering affordable or diverse housing types are particularly vulnerable to feasibility failure when required to meet rigid development controls—car parking being a leading example.

4.3.9.2 Equity and demand considerations

Car ownership rates among low- to moderate-income households are demonstrably lower. As shown in the chart below, 38% of households in the lowest income quintile do not own a car, compared to only 5% in the highest quintile. This reinforces the inequity of mandating parking in developments targeted toward those least likely to use it. Such mandates function as a hidden cost, undermining the affordability objectives of the project.

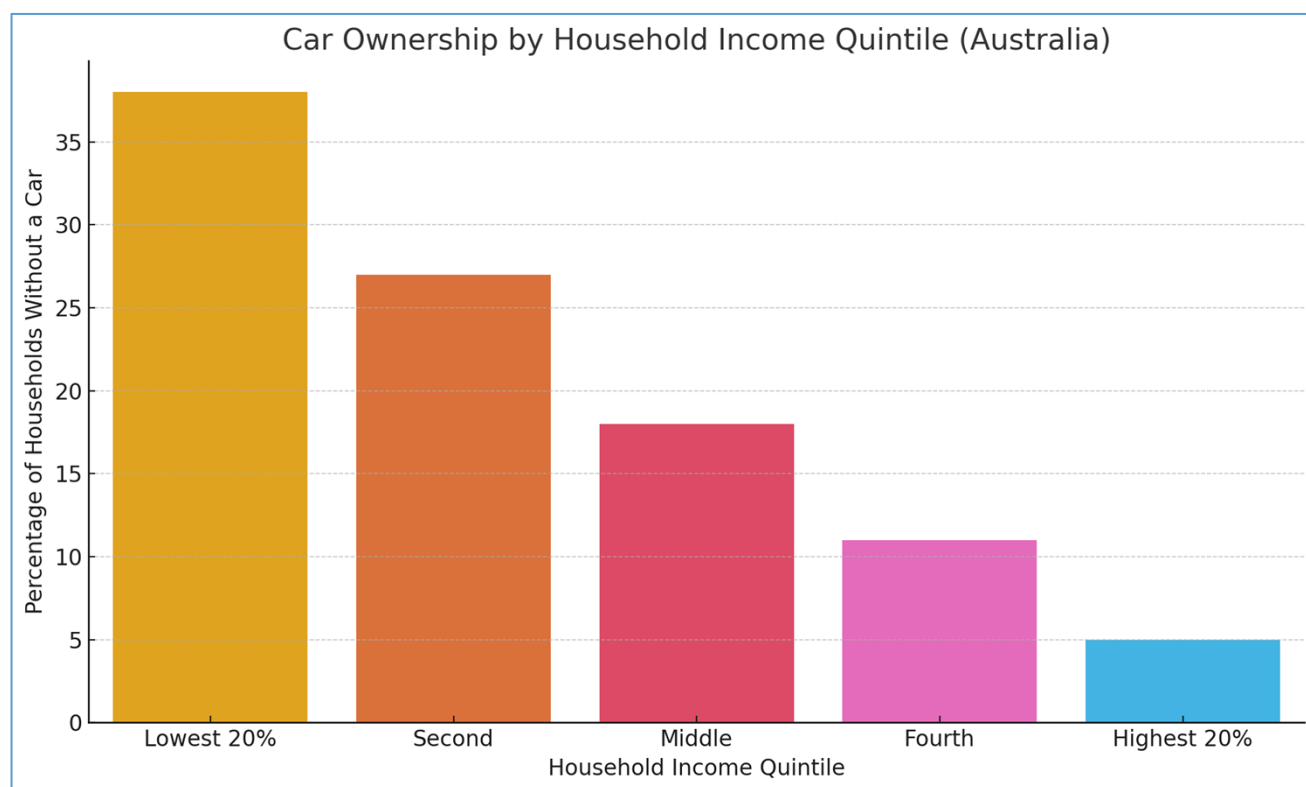


Figure 24 Car ownership by income quintile graph

As AHURI²⁰ notes, blanket car parking requirements “compel low-income residents to pay for spaces they do not need,” resulting in either rent increases, reduced dwelling yield, or both.

4.3.9.3 Public transport and active modes alignment

The Transport and High-Density Housing Policy Brief by RMIT University²¹ further supports the shift from car-centric development. It found that maximum parking standards (rather than minimums) resulted in a 40% reduction in car space provision in London and encouraged a

¹⁹ Gilbert, C., Rowley, S., Gurran, N., Leishman, C., Mouritz, M., Raynor, K., & Cornell, C. (2020). *Urban Regulation and Diverse Housing Supply: An Investigative Panel*, AHURI Final Report No. 349. <https://www.ahuri.edu.au/research/final-reports/349>

²⁰ AHURI (2020). *Urban Regulation and Diverse Housing Supply: An Investigative Panel*. Final Report No. 349.

²¹ De Gruyter, C., Moore, T. & Alves, T. (RMIT) (2020). *Transport Impacts of High-Density Housing*. Centre for Urban Research



significant increase in non-car travel. Car share schemes were found to replace between 9 and 13 privately owned vehicles per car share unit.

Similarly, the Urbanista²² report highlights that under New York's "Ten Year Plan," the removal of mandatory parking for affordable and senior housing near transit was essential in enabling private sector involvement in affordable housing delivery, reinforcing the value of flexible planning controls in achieving supply outcomes

4.3.9.4 *International best practice and inclusionary housing models*

The AHURI Positioning Paper No. 99²³ documents international planning mechanisms and confirms that reduced car parking is an essential lever in supporting viable inclusionary housing schemes. Jurisdictions in New York, London, and Vancouver have all implemented reduced or nil parking policies for affordable developments near transport nodes to lower delivery costs and promote compact urban growth.

4.3.9.5 *Design and amenity benefits*

Omitting car parking within the proposed development enables a range of important design and sustainability outcomes that materially enhance both the architectural quality and the planning merit of the scheme. From a design perspective, the absence of basement or surface-level parking allows for increased deep soil zones capable of supporting mature canopy planting, which in turn strengthens the site's contribution to local biodiversity, urban cooling, and stormwater management.

This spatial flexibility also permits the creation of more generous communal open space and enables an active frontage to the street that improves both pedestrian safety and amenity. The absence of car access points and garage infrastructure allows for a more cohesive building layout, improved accessibility, and a more efficient distribution of dwellings on the site—ultimately contributing to housing yield and affordability. These attributes align directly with the principles of the Better Placed policy framework²⁴, reinforcing the quality and context-sensitive character of the proposal and supported by AHURI's findings on urban regulation and viability²⁵.

In sustainability terms, reducing or eliminating car parking responds directly to climate policy imperatives. It reduces the embodied carbon associated with constructing underground parking and contributes to lowering long-term transport emissions by encouraging a shift to walking, cycling, and public transport use²⁶. This design approach supports the creation of healthier, more walkable precincts and enhances the efficiency with which land is used in established urban areas. International modelling consistently confirms that mode shift policies of this nature deliver not only environmental gains but also public health benefits and improved community wellbeing.

²² Urbanista (2016). *Facilitating Affordable Housing Through Planning Mechanisms: Part 1*.

²³ Australian Housing and Urban Research Institute (AHURI) (2007). *International practice in planning for affordable housing: lessons for Australia*.

²⁴ NSW Government Architect (2017). *Better Placed: An Integrated Design Policy for the Built Environment of New South Wales*.

²⁵ AHURI (2020) *Urban Regulation and Diverse Housing Supply: An Investigative Panel*. Final Report No. 349.

²⁶ Zapata-Diomedes, B., et al. (2017). *A shift from motorised travel to active transport: What are the potential health gains for an Australian city?* PLOS ONE, 12(10).



4.4 Preliminary analysis of development issues

4.4.1 Social impact assessment summary

1. Project Context

The development is now proposed as a 28-dwelling affordable rental housing project with a ground-floor café, located adjacent to Woollooware Station. The proposal is being advanced by PCH, a registered Tier 3 CHP under the National Regulatory Scheme.

The SIA establishes that the project meets the objectives of division 5 of the HSEPP, by delivering affordable rental housing in a well-located urban area with high public transport accessibility.

The aim of the scheme is to

2. Locality and Demographic Setting

- The area is a mixed residential precinct with a combination of detached housing, multi-dwelling developments, and low-rise apartment buildings.
- It is **highly advantaged**, with higher household incomes, high employment rates, and low levels of rental stress.
- The development site lies in an area with very **low levels of social housing** and under-representation of apartment housing compared to Greater Sydney benchmarks.
- The surrounding suburb is older than the Sydney average, with lower cultural diversity, lower unemployment, and high rates of home ownership.

3. Predicted Resident Profile

Based on ABS and local data for one-bedroom and studio dwellings:

- Anticipated household size: ~1.3 persons per dwelling
- Likely residents: lone person households, couples without children, single parent households.
- Predominantly working-age adults (15–64), with some older residents.
- Mixed incomes: majority from low to moderate income brackets, consistent with affordability thresholds.
- High likelihood of employment and rental tenure.

4. Key Positive Social Impacts

- **Affordable Housing Supply:** Adds 28 well-located affordable dwellings in a locality with high rental costs and paltry social housing supply.
- **Diversity in Housing Stock:** Responds to under-supply of apartment-style dwellings in Woollooware and meets strategic housing targets in the South District Plan and Sutherland Shire Housing Strategy 2020.
- **Social Inclusion:** Reduces risk of displacement and enhances access to opportunity for moderate-income households, key workers, and older residents seeking to downsize.

- **Community Integration:** Café activates the street, improving local surveillance and public realm use while providing a meeting place for locals and residents.
- **Proximity to Services:** Walking distance to train station, parks, shops, medical services, and public facilities promotes independence and quality of life for future residents.

5. Potential Adverse Impacts and Mitigations

- **Parking Pressure:** Lack of off-street parking may create additional demand and should be analysed by a traffic report. However, proximity to public transport and provision of bicycle and moped spaces significantly mitigate this. Council could consider timed or resident-only parking restrictions if future pressure increases.
- **Neighbourhood Concerns:** Previous community consultation indicated concerns regarding traffic, noise, and tenant profiles. However, no evidence supports negative behavioural assumptions. PCH has established policies for eligibility, rent setting, and tenant management.
- **Amenity and Noise:** Potential for minor noise intrusion from adjacent rail line. This is being addressed via a separate Noise Impact Assessment.
- **Design Quality:** Units are well above minimum size standards and include private open space and communal areas. Additional landscaping and accessibility measures are proposed or recommended.

6. Recommendations from the SIA

- A CPTED assessment (since completed) was recommended to ensure passive surveillance, safe entries, and space management principles are embedded.
- Consideration for 2 adaptable or accessible units to improve inclusivity.
- Noise attenuation measures near the rail interface.
- Ongoing monitoring by PCH to ensure social and tenancy policies are effective.

7. Conclusion

The revised development is expected to deliver strong positive social outcomes for the local area by increasing affordable housing supply, supporting housing diversity, and improving social inclusion. It is well aligned with state and local housing strategies and includes a mix of design, policy, and location-based attributes that enable low and moderate income earners to access secure, well-located housing in the Sutherland Shire.

4.4.2 Noise impact assessment summary

This summary outlines the key findings and recommendations of the Noise Impact Assessment prepared by Acoustic Logic for the proposed residential development at 1 Panorama Avenue, Woollooware.

1. Purpose of the Report

The assessment supports the proposed development by evaluating:

- Intrusive noise and vibration impact from the adjacent railway line.

- Required acoustic construction treatments to ensure compliance with planning regulations.
- Emission criteria for mechanical plants.

2. Project Characteristics

- Site: Bounded by the T4 rail line (north), Swan Street (east), Panorama Avenue (south), and a residential dwelling (west).
- Development: an eight-storey apartment building with 28 units, rooftop communal open space at the rear, ground floor commercial space.
- Proximity: Approximately 30m from the rail line.

3. Findings and Recommendations

3.1 Noise Intrusion from Rail Line

Measured Rail Noise Levels: **Day:** 58 dB(A) LAeq(15hr) **Night:** 54 dB(A) LAeq(9hr)

Internal Noise Criteria (NSW Guidelines): Bedrooms: ≤ 35 dB(A) Living areas: ≤ 40 dB(A)

Recommendations:

- Northern façade: 10.38mm laminated glazing with acoustic seals
- Other façades: 6.38mm laminated glazing with acoustic seals
- All glazing to meet specified Rw ratings and be fully sealed- Masonry walls and concrete roof adequate without further treatment No vents on internal wall linings exposed to noise sources.

3.2 Railway Vibration Assessment

Measured Vibration Dose Values (VDVs):

- Day: $0.02 \text{ m/s}^{1.75}$
- Night: $0.01 \text{ m/s}^{1.75}$
- Both comply with "low probability of adverse comment" thresholds.
- Structure-Borne Noise:
 - Ground floor predicted at 42 dB(A) Lmax (above 35–40 dB thresholds)
 - Masking the effect of airborne noise may mitigate impacts.

Further detailed review recommended for rear units during the design phase.

3.3 Mechanical Plant Emissions

Must comply with Intrusiveness and Amenity criteria:

- Day: ≤ 53 dB(A)
- Evening: ≤ 43 dB(A)
- Night: ≤ 38 dB(A)

Final plant selection pending; mitigation through standard treatments expected at CC stage.

4. Conclusion

The development can comply with all relevant noise and vibration criteria subject to implementation of the recommended acoustic treatments. Minor exceedances in structure-

borne noise are considered manageable with further review. The site is suitable for residential development adjacent to a rail corridor.

4.4.3 Stormwater management summary

1. Overview

The preliminary stormwater drainage design, supports the development application for a 28-unit affordable housing development with a café. The design ensures compliance with:

- Australian Rainfall and Runoff (2019)
- Sutherland Shire Council's Stormwater Management DCP and
- Specifications- AS3500.3 Plumbing and Drainage Code

2. Objectives

The stormwater strategy:

- Mitigates impacts of increased impervious area (from 45% to 70%)
- Integrates Water Sensitive Urban Design (WSUD) measures.
- Ensures lawful discharge and effective water quality protection.
- Supports site sustainability through overland flow management and on-site detention (OSD)

3. Key Features of the Design

On-Site Detention (OSD)

- OSD required: 2.5 m³.
- OSD provided: 3.6 m³.
- The OSD system includes orifice controls, a trash rack, and a stormfilter treatment chamber, ensuring post-development discharge is controlled to match pre-development rates (29 L/s in a 1-in-100-year storm).

Stormwater Infrastructure

- A network of 100–225mm diameter UPVC pipes laid at compliant grades collects runoff from roof and ground surfaces.
- Multiple grated inlet pits and subsoil drains feed into a sealed OSD tank before discharge to the street.
- Overflow paths are designed for major storm events.
- OceanGuard baskets are specified in pits for gross pollutant trapping.

Roof and Surface Drainage

All balconies, planter boxes, and roof areas are connected to the in-ground stormwater system.

Paved areas are graded with appropriate crossfalls and drained using grated channels and pits.

Café Integration

- The café roof and hardstand areas are treated within the integrated system, contributing to the controlled discharge without additional strain on capacity.

- Footpath levels and drainage patterns near the café are designed to manage surface flow safely and avoid ponding.

4. Erosion & Sediment Control (ESCP)

- Temporary controls: sediment fences, filter tubes, shaker pad at site entry, silt traps in inlet pits
- Permanent controls: use of geotextiles, subsoil drains, and vegetated setbacks
- Site protection during construction is guided by the NSW "Blue Book" (Managing Urban Stormwater 2004)

5. Sustainability and Compliance

- The plan exceeds OSD volume requirements and incorporates WSUD best practices.
- The drainage system supports long-term operational efficiency, safety, and environmental performance.
- Integration with landscape architecture ensures that rainwater is managed attractively and sustainably across communal and street-facing zones.

Conclusion

The stormwater strategy for the revised development at 1 Panorama Avenue is robust, sustainable, and compliant. It successfully manages the increased runoff from the 28-unit and café development, provides stormwater quality controls, and ensures public domain protection through thoughtful civil and hydraulic design.

4.4.4 Crime prevention through environmental design summary

This summary outlines the key findings of the *Crime Prevention Through Environmental Design* (CPTED) assessment for the updated affordable housing development at 1 Panorama Avenue, Woollooware, which now comprises 28 residential dwellings and a ground floor café. The development is to be managed by PCH and has been designed to address crime risks through careful planning, visibility, and management strategies.

1. Updated Development Context

- Site: Prominently located adjacent to Woollooware train station at the intersection of Swan Street and Panorama Avenue.
- Development: 28 residential apartments over eight levels with a ground floor café activating the street corner and train station entrance.
- Public Interface: Strong presence to the public domain with landscaped setbacks and multiple passive surveillance opportunities.

2. CPTED Principles Applied

2.1 Surveillance

- North-facing balconies and units overlook communal areas.
- Ground-level café at the Swan Street corner improves natural surveillance and increases passive oversight of the street and train station.
- Residential entry and shared pathways are visible and illuminated to encourage activity and deter loitering.

2.2 Access Control

- Secured residential lobby with intercom and electronic access.
- Restricted access to bicycle storage and communal open space.
- Clearly defined and monitored entry to the café to separate public and private zones.

2.3 Territorial Reinforcement

- Café reinforces public ownership and care of the corner, discouraging antisocial use of the interface.
- Differentiated paving and planting defines public/private boundaries.
- Regular foot traffic from café customers creates a sense of place and ownership.

2.4 Space Management

- Landscape treatments along Swan Street and Panorama Avenue promote safety and identity.
- Maintenance of landscaping and quick graffiti removal part of ongoing management by PCH.
- Café presence ensures regular activity during both weekdays and weekends, supporting casual surveillance and public confidence.

3. Role of the Café in Crime Prevention

The inclusion of a café at ground level is a key CPTED strategy. It activates the street frontage, ensures the presence of non-residents throughout the day, and deters antisocial behaviour through continuous observation and legitimate activity. It transforms an otherwise quiet corner into a lively, accessible, and well-overseen community space, enhancing safety for both residents and passers-by.

4. Pacific Community Housing Policies

The site will be managed in accordance with policies targeting domestic and family violence, serious harassment, and anti-social behaviour. These policies support tenants, ensure security, and include clear escalation pathways involving NSW Police and social services where required.

5. Conclusion

The proposed 28-unit residential and café development demonstrates strong alignment with CPTED principles. It incorporates natural surveillance, secure access control, distinct spatial transitions, and strong site management. The café, in particular, is a positive urban intervention that enhances safety, street vibrancy, and community presence. The design, combined with PCH's operational management, provides a safe and well-integrated addition to the Woollooware neighbourhood.

4.4.5 Traffic, parking, and sustainable mobility summary

Overview

A Transport, Traffic and Parking Assessment was prepared by Lyle Marshall & Partners to inform the proposed development of 28 affordable dwellings and a ground-floor café at 1 Panorama Avenue, Woollooware and is located at Appendix F.

The assessment included a comprehensive analysis of the existing road network, on-street parking conditions, public transport accessibility, and potential traffic generation associated with the proposed development. The site is uniquely situated adjacent to Woollooware Railway Station and within walking distance of Kingsway bus services, supporting a transport-oriented development model.

To establish a baseline of current conditions, the study involved:

- **Field inspections** of Swan Street and Panorama Avenue, including measurements of carriageway widths, kerbside conditions, and existing vehicular access points.
- **An on-street parking accumulation survey** conducted on a typical weekday between 7:00am and 8:00pm, identifying demand trends and illegal parking occurrences across mapped survey zones.
- **Observation of commuter activity** at the railway station, specifically monitoring drop-off and pick-up activity during peak periods (7:15–8:15am and 5:15–7:15pm).
- **Review of planning controls** and parking provisions under SEPP (Housing) and council DCP chapter 35, including assessment of bicycle parking and servicing needs.
- **Recommendations** the current no parking space be changed to a 5 minute pick up and drop off zone.

Transport and Access Recommendations

To support the car-free nature of the development and ensure seamless access and servicing, the following measures are recommended as part of the broader transport and access strategy:

- No on-site residential car parking is proposed, consistent with the exemption under division 5 of the HSEPP and the site's exceptional access to public transport.
- A total of 28 secure, covered bicycle spaces will be provided, meeting the needs of both residents and visitors.
- Dedicated parking areas for mopeds and scooters will be incorporated to encourage low-emission travel options.
- A Green Travel Plan will be adopted by the building's management, incorporating:
 - Internal wayfinding signage,
 - Maps identifying pedestrian and cycling routes,
 - Real-time information on public transport services.
- There is currently no on street loading zone for vehicles to load and unload. It is recommended that one (1) space in the "No Parking" zone A be sign posted "5 minute pick up and drop off zone".

These recommendations ensure that the development facilitates sustainable travel, supports accessibility, and lowers adverse traffic or parking impacts within the surrounding street network.

Conclusion



The proposed development at 1 Panorama Avenue, Woollooware is appropriately located and designed to minimise traffic and parking impacts while promoting sustainable, car-free living. The site's immediate adjacency to Woollooware railway station, direct access to bus services, and walkable proximity to shops, schools, and services renders it highly suitable for development under division 5 of the HSEPP.

The Traffic and Parking Assessment confirms (Appendix F) that the anticipated traffic generation from the 28 residential units and ground-floor café will be minimal and well within the capacity of the existing local road network. The lack of on-site car parking for residents is justified on the basis of the HSEPP provisions and the site's exceptional public transport accessibility.

4.5 Desired future character of the Woollooware precinct

4.5.1 Strategic vision and policy context

The subject site is located within the Woollooware Station identified in schedule 11 of the HSEPP. Under this framework, the land is classified as part of the inner core precinct, within which the desired future character is shaped by chapter 6 of the SEPP — specifically clauses 24 (building height) and 25 (floor space ratio), which provide non-discretionary development standards.

This designation reflects the NSW Government's clear intent to:

- Concentrate new medium-density housing supply around existing rail infrastructure.
- Encourage affordable and diverse housing formats near transport, jobs and services.
- Support a built form transition from detached housing to mid-rise apartments, enabling better utilisation of land and infrastructure.

The site at 1 Panorama Avenue is directly adjacent to the southern entrance of Woollooware Station, and within walking distance of local convenience retail, schools, and open space. This makes it a model location for medium-density, tenure-diverse housing.

4.5.2 Built Form vision and precinct morphology

The desired future character for the precinct comprises:

- Mid-rise residential flat buildings (6–9 storeys) that establish a defined and legible built edge to rail corridors.
- Activated, publicly oriented frontages to station entries and key street corners (e.g. Swan Street and Panorama Avenue).
- Transition zones that step down in scale toward adjoining lower-density residential uses.
- Integrated landscaping and deep soil zones, with continuous tree planting along street interfaces.
- A varied skyline, with parapet and roof elements that modulate bulk and reinforce pedestrian scale.

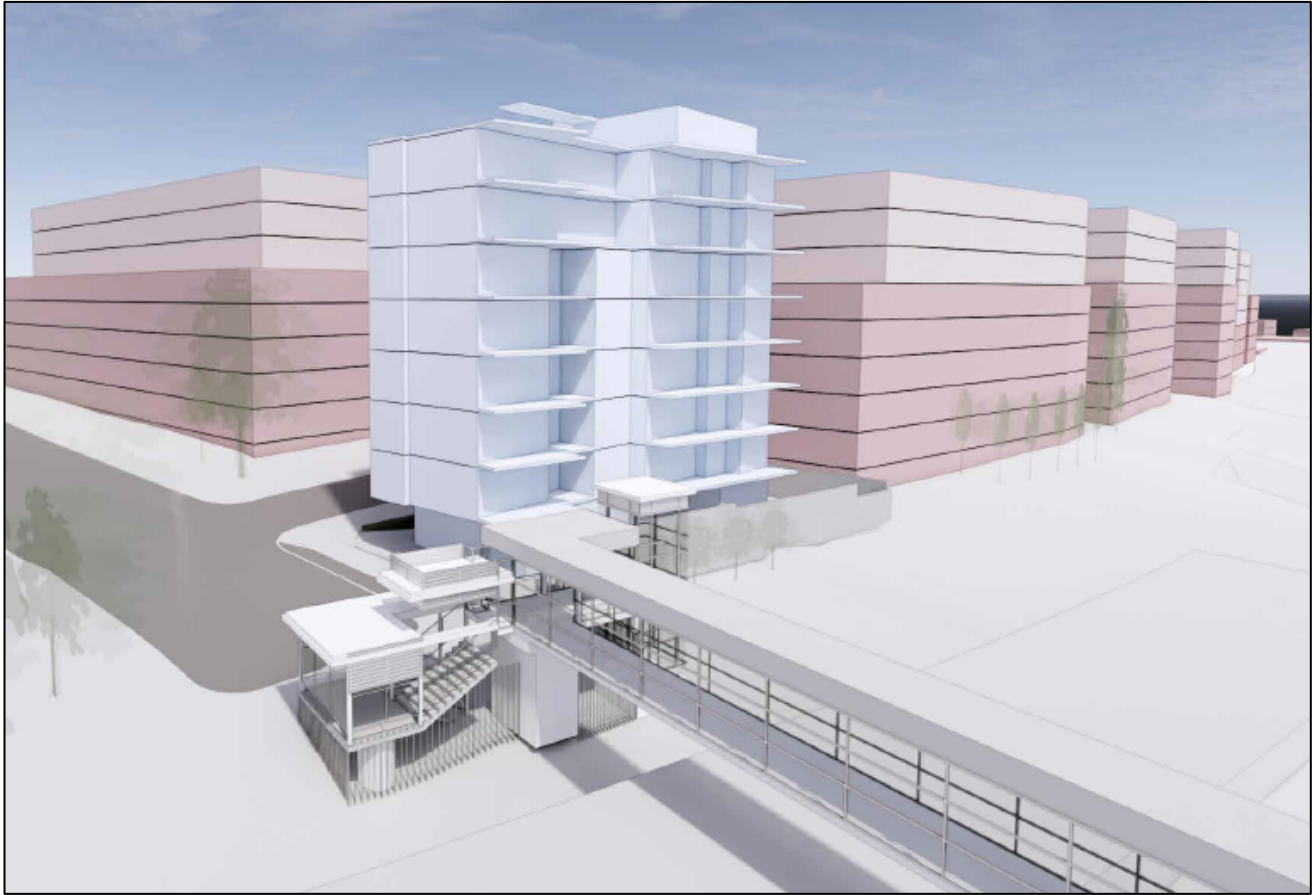


Figure 25 Desired character low mid-rise built form view 1

This vision is supported by the design response presented in DA401–DA403, which shows the proposed development in the context of indicative future surrounding built form. The renderings illustrate:

- A consistent mid-rise urban grain emerging around the station precinct.
- Generous setbacks and modulation in architectural language.
- Vertical and horizontal articulation that breaks down perceived bulk.
- Integration of a commercial use at ground floor, enhancing public activation at a key pedestrian node.

The design reflects a composed streetscape outcome that supports walkability, safety, and identity, in line with the urban design principles outlined in the HSEPP and supported by DPHI.



Figure 26 Desired character low mid-rise built form view 2

4.5.3 Urban design mapping and precinct Analysis

The architectural reports for the broader Woollooware precinct provides indicative massing diagrams and height/FSR envelopes aligned with chapter 6. The report identifies this portion of Woollooware as:

- Part of an emerging station-adjacent medium-rise zone, bounded by The Kingsway and Swan Street.
- A location suitable for development up to 31.2 metres in height and 2.86:1 FSR, particularly where affordable housing is provided.
- A priority area for housing acceleration, due to minimal overshadowing constraints and strong existing service coverage.

The proposed development reflects this strategic morphology by:

- Responding to interface conditions on Panorama Avenue and Swan Street through stepped setbacks and landscaping.
- Delivering a built form that is internally consistent with chapter 6 envelopes and compatible with preferred future surrounding uses.
- Establishing a fine grain and active pedestrian edge at the entry to the station precinct.
- Contributing to a clustered mid-rise character that delivers density while respecting privacy and solar access.



Figure 27 Woollooware precinct modelled to mid-rise controls

4.5.4 Contribution to the precinct character

The proposed development contributes meaningfully to the desired character of the Woollooware precinct by:

- Visually defining the southern edge of the station precinct.
- Establishing a landmark corner form at the station-adjacent interface.
- Providing a communal rooftop terrace that activates upper levels without bulk impact.
- Ensuring human-scale street edges, through active uses and fine articulation.
- Accommodating non-car-based mobility, including bicycle storage, walkability, and proximity to transport.

The integration of affordable housing further aligns the proposal with the NSW Government's policy objectives for station precincts and ensures the precinct can support an inclusive and socioeconomically diverse population.

4.6 Consultation with council

The project team (including PCH, Civic Stanisc, Architects, Pacific Economics and Strategy and Pacific Planning) met with Sutherland Shire Council planning staff (Steward Rodham, Sue McMahon, Beth Morris) on 14 May 2025. Stanisc Architects presented the sketch design. At this meeting, council senior assessment staff made useful comments that can be accommodated in future development application – the key comments are summarised below:

- **Reduce the hardstand area along the western boundary** by narrowing the driveway to a single lane and introducing tree planting. The inclusion of trees is considered important for preserving the area's existing character.



- **Refine the Panorama Avenue elevation** to create a more human-scaled streetscape. The addition of small step-out balcony to the eastern apartment to reduce the length of the gallery was suggested to enhance this quality.
- **Aim for a high-quality landscape design** like the Heathcote Affordable Housing Project, incorporating well-designed ground-level landscaping and shaded roof areas.
- **Clarify the nature of the balconies facing the railway line** and how acoustic privacy will be achieved whilst still allowing residents to receive fresh air from this elevation.
- **Consider increasing floor-to-floor heights to 3.2 metres**, where feasible, given the proposal is significantly below the maximum height allowed under SEPP (Housing) 2021. It was noted that this needs to be considered in conjunction with the deemed-to-satisfy provisions of the Building Code of Australia (BCA) to avoid the requirement for a second stair and other fire services infrastructure to be provided.
- **Provide additional details for non-residential uses** as food and drink premises as currently not permissible in an R3 zone.

These elements of design consideration have formed the basis for the refinement of the progressing scheme and are included in the updated concept scheme for this application and will be further refined during the development application process.

4.7 Requested items for the SCC

PCH's mission states that it is committed to promoting and delivering housing that is safe, secure, and affordable for people on low to moderate incomes. Since 2019, PCH has pursued a pipeline of projects through the NSW planning system, directly contributing to the achievement of the EP&A Act objectives—particularly those promoting social equity, environmental sustainability, and orderly development.

While navigating the NSW planning system has presented challenges—particularly at the local assessment level—PCH has demonstrated perseverance and innovation in progressing socially beneficial development outcomes. A recent example is the Heathcote affordable housing project, which received development consent and was expertly managed through the process of assessment by council's manager of assessments in a positive professional process. That project that is soon to be constructed has more recently successfully transitioned from PCH to Civic Industries and their registered CHP, Waratah Housing. That project, supported by Commonwealth funding, will deliver 19 new social housing dwellings with secure affordability over a 25+ year horizon.

Experiences such as these highlight the essential role that a robust, transparent, and outcomes-oriented planning framework plays in facilitating the delivery of affordable housing. When local assessments are aligned with the intent and structure of state-led instruments—particularly under the HSEPP—they can enable the timely and sustainable development of much-needed housing. Conversely, when state policies are met with procedural obstruction or adversarial interpretations, housing delivery is delayed or lost, and the broader social objectives of the EP&A Act are undermined.

It is within this context that the SCC emerges not only as a planning tool, but as a strategic enabler of delivery. For organisations such as PCH, the SCC provides critical early-stage certainty—affirming that a proposal has strategic merit, land use permissibility, and

development potential that is consistent with State policy frameworks. This level of clarity is essential for:

- Securing early-stage finance or grant funding from Commonwealth programs.
- Establishing commercial arrangements with builders, CHPs, and delivery partners.
- Managing project risk and de-risking capital investment.
- Planning construction staging and supply chain engagement.

Without a clearly articulated and reliable SCC, smaller providers and CHP partnerships are exposed to heightened risk, undermining their ability to bring projects to market in a timely and confident manner. In this way, the SCC acts as a gateway to delivery, offering not only planning certainty but financial credibility in the eyes of both public funders and private lenders.

This is particularly vital in the context of smaller-scale affordable housing projects, like the 1 Panorama Avenue proposal. Such developments offer critical housing diversity—especially suited to older women, singles, and smaller households experiencing housing stress—but cannot rely on the economies of scale that underpin larger projects. They are inherently more sensitive to regulatory delays and cost escalation. For this reason, certainty through an SCC is not simply beneficial—it is foundational.

Importantly, these smaller, infill projects enable affordable housing to be sensitively integrated into established neighbourhoods, advancing social inclusion and providing forms of tenure not otherwise available through the private market. Their contribution to local housing supply is highly responsive and often more consistent with community character, helping normalise affordable housing and reduce stigma.

While they may not deliver the same per-unit cost efficiencies as large-scale schemes, their social return on investment is high, and their policy alignment with the HSEPP is clear. The SCC process, when interpreted as intended, supports these outcomes by bridging the gap between strategic planning intent and on-the-ground delivery.

Accordingly, PCH supports the issue of this SCC as a necessary and enabling step in unlocking a socially impactful, contextually appropriate, and policy-compliant housing outcome at Woollooware.

4.7.1 Active uses to support social and community harmony

We also seek the support of the department in resolving the permissibility of active ground floor uses—such as a café or other community-serving functions—on the subject site. While these uses contribute to the long-term financial sustainability of the development and deliver local benefit, they are not currently permitted in the R3 medium density residential zone. We have reached out to the department's HSEPP policy team to seek direction on this matter but have not yet received a response.

In addition to their financial sustainability role, active ground floor uses such as a café provide significant social harmony, security and placemaking benefits. They offer opportunities for residents and the broader community to meet, interact, and congregate, helping to foster a sense of inclusion, identity, and neighbourhood connection. This is especially important for new residents and vulnerable households who benefit from informal social spaces that reduce isolation and support community integration.

Given the public interest objectives of this affordable housing project and the potential for active uses to enhance both financial viability and community wellbeing, we respectfully request that the secretary considers this issue as part of the SCC determination and use the powers granted in the Act to enable an amendment to the standard instrument that can enable the desired active uses. Specifically, we would welcome either:

- Guidance from the department on a mechanism by which the café component may be supported without requiring a landowner-initiated LEP amendment; or
- Inclusion of a condition or advisory note within the SCC recognising the strategic merit and potential compatibility of such uses, to be addressed further during the DA process which the State considers the power to amend the land use prohibition.



Figure 28 North east view future context adjusted scheme post council engagement.

Such an approach would assist in reducing procedural complexity and support a more integrated, viable, and sustainable affordable housing outcome in line with the policy intent of the HSEPP.

Accordingly, we request that any SCC issued by the secretary:

- Confirms the compatibility of the building in terms the buildings proposed use and scale, including the buildings height, bulk, and setbacks.
- Supports functional design flexibility to be further refined through the development application process under section 4.15 of the Act.
- Facilitates a timely and transparent pathway to assessment, recognising the significance of affordable housing in meeting State housing objectives.

- Provides the certainty necessary to support early-stage Commonwealth funding proposals, thereby improving delivery outcomes and project stability.

5 Statutory Context

5.1 Environmental Planning & Assessment Act 1979

The proposed development is consistent with the objects of the Environmental Planning and Assessment Act 1979 (EP&A Act), promoting the orderly and economic use of land, the delivery of affordable housing, and the integration of environmental, economic and social considerations in land use planning.

Relevant objectives under section 1.3 of the EP&A Act include:

- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (g) to promote good design and amenity of the built environment.

The proposal responds to these objectives as follows:

Ecologically Sustainable Development (s.1.3(b))

The development promotes sustainability by making efficient use of an underutilised urban site adjacent to a train station. The proposal incorporates deep soil planting, rooftop communal open space, adaptable housing, and bicycle parking, supporting walkability, social inclusion, and climate resilience. The project has been developed through a collaborative design process, involving professionals in architecture, social planning, landscaping and environmental sustainability.

Orderly and Economic Use of Land (s.1.3(c))

The site currently contains a single dwelling and is located immediately adjacent to Woollooware Railway Station, a key piece of public infrastructure. The proposal enables a shop-top housing development comprising 28 apartments and a ground floor commercial tenancy, consistent with the inner core mid-rise built form envisioned under schedule 11 of the HSEPP.

The development makes efficient use of land with excellent access to public transport, enabling new housing supply without increasing private vehicle dependence. The height, scale, and built form are aligned with the desired future character established under chapter 6 of the HSEPP.

Delivery of Affordable Housing (s.1.3(d))

The proposal includes 50% of dwellings (14 apartments) to be delivered as affordable housing in accordance with division 5 and clause 40 of the HSEPP. These dwellings will be managed by PCH, a registered CHP, for a minimum of 15 years. The project directly responds to the documented housing stress in the Sutherland Shire, where affordable rental supply is low and demand is increasing.

Good Design and Amenity (s.1.3(g))

The proposal has been designed in accordance with schedule 9 of the HSEPP – Design Quality of Residential Apartment Development, and the ADG. It achieves:

- Appropriate setbacks and building modulation to reduce bulk and improve visual amenity.
- Natural solar access and cross ventilation to the majority of apartments.
- High-quality communal and private open space.
- A building form that respects the surrounding context while establishing a distinct architectural identity adjacent to a key transport node.
- Integration of a ground-level commercial tenancy to activate the Swan Street frontage and contribute to local amenity.

The development achieves a high standard of design, amenity, and urban response, contributing to the character, legibility, and function of the Woollooware station precinct. It balances the needs of future residents with community expectations and supports both State and local planning priorities.

5.2 State Environmental Planning Policies

5.2.1 HSEPP 2021

The HSEPP commenced on 26 November 2021 and serves as the principal environmental planning instrument in New South Wales for enabling the delivery of diverse, affordable, and well-located housing. The SEPP consolidates and modernises several former housing-related SEPPs, including the *Affordable Rental Housing SEPP 2009*, *SEPP 65*, and provisions relating to low-rise housing, seniors housing, and group homes.

The HSEPP is a State environmental planning policy made under part 3 of the EP&A Act and prevails over any inconsistent local environmental plans (LEPs) to the extent of the inconsistency, under section 3.28 of the EP&A Act and clause 8 of the SEPP.

This application is made under division 5 of part 2 of the HSEPP, which facilitates the delivery of residential flat buildings for affordable housing by or on behalf of a social housing provider, where such development would otherwise be prohibited under local planning controls. A key mechanism under division 5 is the SCC issued by the secretary under clause 39, which acts as a statutory gateway to development consent.

5.2.1.1 Clause 3 – Principles of the HSEPP

Detailed assessment of proposal alignment

(a) Enabling the development of diverse housing types, including purpose-built rental housing

The proposal delivers a 28-unit residential flat building in a shop-top housing configuration, including a mix of studio, 1-, 2- and 3-bedroom apartments, demonstrating a clear response to the principle of housing diversity. The inclusion of ground floor non-residential use (café/community use) promotes functional integration with the station precinct and adds to the typological mix.

Critically, the development provides at least 50% of dwellings as affordable rental housing, which will be secured for 15 years and managed by a registered CHP (PCH). This directly facilitates the development of purpose-built affordable rental housing in a location where rental housing stress is acute.

(b) Encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability

The proposal directly meets this principle by:

- Dedicating 50% of apartments to affordable housing for eligible tenants.
- Including adaptable dwellings that meet AS 4299 and NDIS Specialist Disability Accommodation (SDA) design features.
- Providing a unit mix suitable for single-person households, couples, small families, and older residents.
- Offering apartments with 100% on-site storage, excellent internal amenity, and universal design features.

This ensures that a wide range of vulnerable and lower income residents are able to access secure, well-located, and high-quality accommodation.

(c) Ensuring new housing development provides residents with a reasonable level of amenity

The design achieves and exceeds many of the ADG and schedule 9 (formerly SEPP 65) design quality benchmarks:

- 100% of units achieve 2+ hours of direct sunlight to living rooms and open space.
- 75% of units are naturally cross-ventilated.
- All units exceed ADG minimum standards for internal area, solar access, ventilation, storage, and acoustic separation.
- Private open spaces meet or exceed the minimum size and usability criteria for each dwelling type.
- A rooftop communal open space area is supported by internal communal rooms, enhancing community cohesion and well-being.

The design is also informed by privacy, outlook, acoustic comfort (e.g., louvres and glazing to the northern rail-facing façade), and passive surveillance principles.

(d) Promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services

The site is located immediately adjacent to Woollooware Railway Station and within walking distance of:

- Frequent rail services to Cronulla, Sutherland and the Sydney CBD.
- Bus connections via The Kingsway.
- Schools, shops, community facilities and services.
- Parks, open space and coastal amenity.

It is a quintessential “transit-oriented development” (TOD) site. The proposal delivers density and affordability in a low-impact, highly connected location, consistent with the principles of efficient urban infrastructure use.

This proposal also alleviates housing pressure in surrounding suburbs by unlocking underutilised land and supports NSW Government infrastructure coordination objectives.

(e) Minimising adverse climate and environmental impacts of new housing development

The development reduces environmental impact by:

- Not providing on-site car parking, minimising vehicle-related emissions and encouraging use of public and active transport.
- Using deep soil landscaping (24%) and overall landscaped area (32%), supporting tree canopy growth, local cooling, and biodiversity.
- Including bike parking, pedestrian access, and adaptable apartment design that reduces embodied carbon over time.
- Avoiding basement excavation, which reduces upfront embodied emissions and construction waste.

A further reduction in climate impact is achieved through orientation, cross-ventilation, and energy-efficient design principles embedded in the architectural approach.

(f) Reinforcing the importance of designing housing in a way that reflects and enhances its locality

The design reflects and responds to its context by:

- Addressing the corner of Panorama Avenue and Swan Street with an active ground-level interface and public domain enhancement.
- Providing an upper level built form that is stepped and modulated to reduce perceived scale and transition to surrounding buildings.
- Incorporating a material palette and articulation that are contemporary yet contextual, referencing nearby housing forms without mimicry.
- Integrating a landscaped setback to 3 Panorama Avenue, as requested by council, to ensure visual and environmental compatibility.

The building contributes positively to the urban identity of the Woollooware Station precinct, consistent with the chapter 6 “desired future character” and schedule 11 planning vision.

(g) Supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use

This principle is not directly engaged by the proposal. However, the delivery of long-term affordable rental housing reduces the market pressure that short-term rentals can create, particularly in transport-connected and coastal locations like the Sutherland Shire. The building’s long-term rental purpose helps to rebalance the local housing market toward more stable tenures.



If short-term rental accommodation were to occur in future, it would be subject to separate provisions under the HSEPP and the *Exempt and Complying Development SEPP*.

(h) Mitigating the loss of existing affordable rental housing

The proposal replaces a single detached dwelling with 28 new dwellings, of which 14 (50%) will be dedicated as affordable rental housing. This represents a net gain in affordable supply, secured under clause 40 of the HSEPP for a period of at least 15 years.

The redevelopment of low-density sites for affordable housing directly responds to the loss of affordability across the LGA, and enables vulnerable households to access well-located, design-compliant housing options that would not otherwise be available under private market delivery models.

5.2.1.2 Legislative operation of division 5 – statutory preconditions

Clause 36 defines the land to which division 5 applies. The subject site is:

- Located in the Greater Sydney Region, and
- Situated within 5 metres of a public entrance to Woollooware Railway Station, satisfying clause 36(1)(a)(i), and
- Zoned R3 Medium Density Residential, where residential flat buildings are prohibited under the Sutherland LEP 2015, thus satisfying clause 36(2) (i.e., not otherwise permitted under another EPI).

Clause 37 limits the application of division 5 to development carried out:

- By or on behalf of a social housing provider, or
- In partnership with the NSW Land and Housing Corporation.

The proposed development is to be delivered by PCH, a registered CHP. Confirmation of CHP status is provided at Appendix M.

Clause 38(1) establishes that such development may be carried out with development consent, subject to clause 38(2), which requires the Planning secretary to first issue a SCC under clause 39(6). Clause 38(4) further confirms that no car parking is required for development under division 5—an important provision given the site's adjacency to rail and bus infrastructure and focus on delivering a quantum of housing at a cost effective level at a high quality.

5.2.1.3 – Clause 39(6) test

Under Clause 39(6) of the HSEPP, the secretary must not issue a SCC unless three threshold criteria are satisfied:

- (a) Comments from the local council (if any) received within 14 days have been taken into account;
- (b) The secretary forms an opinion that the residential flat building is compatible with surrounding land uses, having regard to:
 - (i) existing and approved uses of land in the area;
 - (ii) the likely impact that the development, including its bulk and scale, will have on those uses and likely preferred future uses;
 - (iii) the availability of services and infrastructure to meet development demands;
- (c) The secretary is satisfied that the development is not likely to have an adverse environmental effect or cause unacceptable risk.

This clause defines a structured statutory test. It is not a standard merit assessment under section 4.15 of the EP&A Act, nor a general zoning compliance check. Rather, it is a forward-looking compatibility test that balances land use coexistence, infrastructure capacity, and planning context.

(i) Compatibility with Existing and Approved Uses

The subject site is surrounded by a mix of:

- Detached and semi-detached dwellings.
- Several existing residential flat buildings, including 1 Swan Street, a 3-storey RFB.
- Woollooware Railway Station immediately east, which defines the public domain and infrastructure character.
- Mixed-residential redevelopment potential under chapter 6 and schedule 11 of the HSEPP sets the desired future character instigated by the Minister.

Importantly, the site sits within the ‘inner core’ area of the Woollooware Station low- and mid-rise housing precinct, where 6–9 storey shop-top and residential apartment buildings are encouraged. Therefore, the use of the land for a residential flat building (RFB) is both permissible via division 5 and clearly anticipated by the HSEPP-defined strategic character of the surrounding area

(ii) Bulk and Scale Impact on Surrounding and Future Uses

The proposed development has been carefully designed to achieve compatibility with surrounding uses, particularly in relation to visual bulk, building height, setbacks, and transition. Key compatibility points include:

- A maximum height of 29 metres, well within the non-discretionary SEPP height control of 31.2 metres for this site under chapter 6.
- A scale that matches the planned 6–9 storey urban form anticipated for inner core sites.
- Setbacks of 3 to 5.1 metres to Panorama Avenue, with a landscaped buffer to 3 Panorama Avenue, mitigating privacy and solar impacts.
- Deep soil (24%) and landscaped area (32%) exceeding SEPP standards, ensuring visual relief and soft edge transition.
- Built form that respects the existing fine grain to the west while aligning with future intensified redevelopment, particularly along Swan Street.

As clarified in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*, compatibility does not require sameness. A development may be of a different type or scale, provided it can reasonably coexist and integrate with the surrounding and evolving urban fabric.

In this case, the architectural response reflects an understanding of both existing context and the preferred strategic future, demonstrating that bulk and scale impacts are compatible in both visual and planning terms.

(iii) Services and Infrastructure Availability

The subject site:

- Is fully serviced, with access to all essential utilities (water, sewer, electricity, communications).
- Has direct connection to Woollooware Station (5 metres from the entrance), offering high-capacity public transport.
- Is accessible by foot, bike, and public road, with kerbside waste collection confirmed as suitable by council engineers.
- Is close to a range of community infrastructure items of open space, education, health and retail areas.

Bicycle parking (28 spaces), communal open space, and active frontages ensure that the infrastructure demand is sustainable and proportional to the housing yield.

(c) Environmental Risks

The site is not environmentally constrained. Key considerations include:

- Flood-affected status is addressed by a compliant finished ground floor level (RL 31.17).
- No identified biodiversity, bushfire or heritage constraints on the site.
- No car parking for residential use, which significantly reduces emissions, excavation, and embodied carbon.
- The development provides:
- Low impact stormwater management, deep soil for tree planting.
- Activated public interfaces and communal areas that enhance the urban heat resilience of the area.

There is no aspect of the development that would result in unacceptable environmental risk.

5.2.1.4 Alignment with schedule 9 and the apartment design guide

Under chapter 4 of the HSEPP 2021, all residential apartment developments are subject to the design quality principles set out in schedule 9 and must be assessed in conjunction with the ADG. The proposed development at 1 Panorama Avenue has been designed to respond positively to both instruments, ensuring a high level of design quality, amenity, and contextual fit.

Statutory Framework

Clause 60 of the HSEPP requires consent authorities to take into account:

- The design quality principles in schedule 9.
- The ADG.
- Advice from a design review panel (where applicable).

These instruments collectively ensure that apartment developments are functional, attractive, and well-integrated into their surroundings. While a design review panel has not been engaged at this SCC stage, the design by Stanisic Architects reflects best-practice principles and addresses all core requirements of schedule 9 and the ADG.

The architectural design for the Panorama development has been prepared by Stanisic Architects, a distinguished Sydney-based practice renowned for its thoughtful integration of urban context, sustainability, and residential amenity. Led by architect Frank Stanisic, the firm has a proven track record in delivering high-quality, award-winning mixed-use and multi-residential developments across metropolitan Sydney. Their work is recognised for responding intelligently to local character while pushing the boundaries of contemporary urban design. Stanisic Architects bring a deep understanding of density, natural light, landscape integration, and passive design, making them particularly well-suited to affordable housing projects that demand both economic efficiency and architectural integrity. Their concept design for Panorama embodies these values and provides strong foundation for delivering a refined scheme that is respectful of the Woollooware setting, supportive of social inclusion, and visually expressive of a high standard of urban design.

5.2.1.4.1 Summary of design quality response

1. Context and Neighbourhood Character

- The building reflects the emerging mid-rise character envisaged by schedule 11 – Woollooware Station Low and Mid-Rise Housing Area, particularly the inner core's planned built form (6–9 storeys, up to 31.2m height).
- It is situated on a key corner site directly adjacent to the Woollooware Station entrance, reinforcing its civic and urban significance.
- The articulation, height, and materiality relate sensitively to surrounding buildings and contribute to the evolving identity of Swan Street.

2. Built Form and Scale

- Maximum building height: 29m, below the 31.2m non-discretionary maximum under division 1.
- FSR: 2.86:1, consistent with the SEPP bonus for 15% affordable housing.
- The building is stepped and articulated, with varied setbacks:
- 3–5.1m along Panorama Avenue.
- Nil to 3m to Swan Street, consistent with ADG recommendations for active frontages (part 2G).
- Bulk is broken down by modulation, vertical bays, and deep soil landscaping (24%).

3. Density

- The proposed 28-apartment scheme is within the permitted FSR and height envelope under the HSEPP.
- The unit mix (studios, 1-, 2-, and 3-bedroom apartments) supports density diversity while ensuring liveability.

4. Sustainability

- Passive solar design maximises northern orientation and cross-ventilation:
- 100% of units achieve 2+ hours solar access at mid-winter.

- 75% of units are naturally cross-ventilated (ADG target: 60%).
- No basement parking: active transport encouraged via 28 secure bicycle spaces and proximity to rail.

5. Landscape

- Deep soil zone: 24% of site area, exceeding the 15% SEPP requirement.
- Total landscaped area: 32%, with planting designed to soften interfaces and enable tree canopy growth.
- Landscape edge to 3 Panorama Avenue supports neighbourhood transition.

6. Amenity

All apartments:

- Meet ADG minimum internal areas and storage requirements.
- Provide functional private open space (5–15m²) with direct living room access.
- Are designed to mitigate acoustic and visual impacts from the railway through materials and layout.

7. Safety

- The building entry is clearly defined and directly visible from Swan Street.
- The gallery-style corridors activate the southern elevation and enhance passive surveillance.

8. Housing Diversity and Social Sustainability

- 14 apartments (50%) are affordable housing, managed by PCH.
- 20% of apartments (6/28) will be adaptable, complying with AS 4299.
- 20% of apartments (6/28) achieve Silver Level Liveable Housing Design, exceeding minimum requirements.

9. Aesthetics

- The architectural language is restrained and context-responsive, with material use (e.g. brick, metal, louvres) reflecting the station and residential typologies nearby.
- The building presents a fine-grain expression to both street frontages, enhancing legibility and identity.

The proposal has been explicitly designed to respond to the design quality principles of schedule 9 and the ADG. The built form is consistent with the future character outlined in schedule 11, with excellent amenity, sustainability and landscape outcomes. The SCC application is therefore supported by a well-resolved and compliant architectural scheme, and the project is capable of proceeding through a full DA process with confidence in design quality compliance.

5.2.2 SEPP 55 (Resilience and Hazards) 2021

The site is currently utilised for residential purposes, and there is no evidence to suggest that the site was ever historically utilised for any other use except residential. The development proposal facilitated by the SCC involves the continuation of residential uses on the site. Further, the proposal does not involve extensive excavation or basement parking. Therefore, the possibility of contamination is very low, and the department can be satisfied that issuing a SCC will not have any adverse environmental impact or cause any unacceptable environmental risks to the land.

Two SCCs have been issued for residential development, and contamination was not raised as a concern through the former DA process.

5.3 Sutherland LEP 2015

The *Sutherland Local Environmental Plan 2015* commenced on 23 June 2015 and establishes the local statutory planning controls for land use, built form, and environmental protection within the Sutherland Shire. While the proposed development is brought forward under division 5 of the HSEPP 2021, which overrides the permissibility provisions of the LEP, the provisions of the LEP remain relevant in assessing the strategic context and compatibility of the proposal.

Table 8 below summarises the SSLEP principal development standards that currently apply to the subject site:

Table 9 Site development standards SSLEP 2015

Land Zoning	Maximum Building Height	Maximum Floor Space Ratio (FSR)	Minimum Lot Size
R3 Medium Density Residential	9 metres	0.7:1	550m ²

The development is consistent with the objectives of the Sutherland LEP 2015. The following are of relevance:

- (a) *to deliver the community's vision for Sutherland Shire by achieving an appropriate balance between development and management of the environment that will be ecologically sustainable, socially equitable and economically viable,*
- (b) *to establish a broad planning framework for controlling development, minimising adverse impacts of development, protecting areas from inappropriate development and promoting a high standard of urban design,*
- (c) *to protect and enhance the amenity of residents, workers and visitors in all localities throughout Sutherland Shire,*
- (e) *to concentrate development in localities with adequate infrastructure that is accessible to transport and centres,*
- (i) *to meet the future housing needs of the population of Sutherland Shire.*

The proposed development aligns strongly with objectives **(e)** and **(i)**:

- The site is immediately adjacent to the southern entrance of Woollooware Railway Station, within walking distance of services and open space. Its proximity to high-

capacity public transport ensures direct connection to Cronulla, Sutherland, the Sydney CBD, and the broader Sydney metropolitan area. In this regard, the proposal exemplifies transport-oriented development.

- The project introduces 28 apartments, including 14 affordable dwellings, to address the Sutherland Shire's identified shortfall in housing for low- and moderate-income households. This contributes to meeting the future housing needs of the local population in a well-located, infill urban context.

Although the proposal exceeds the SSLEP height and FSR standards, it remains within the non-discretionary building envelope established under chapter 6 and division 1 of the HSEPP, which reflects the State's strategic planning intent for station precincts. Importantly, the development adopts a built form, scale, and interface treatment that respects the SSLEP broader goals of amenity protection, design quality, social equity and environmental sustainability.

5.3.1 Zoning

The site is zoned R3 Medium Density Residential under the SSLEP. The R3 zone objectives are listed below:

R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability.
- To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.
- To allow development that is of a scale and nature that provides an appropriate transition to adjoining land uses.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture

4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

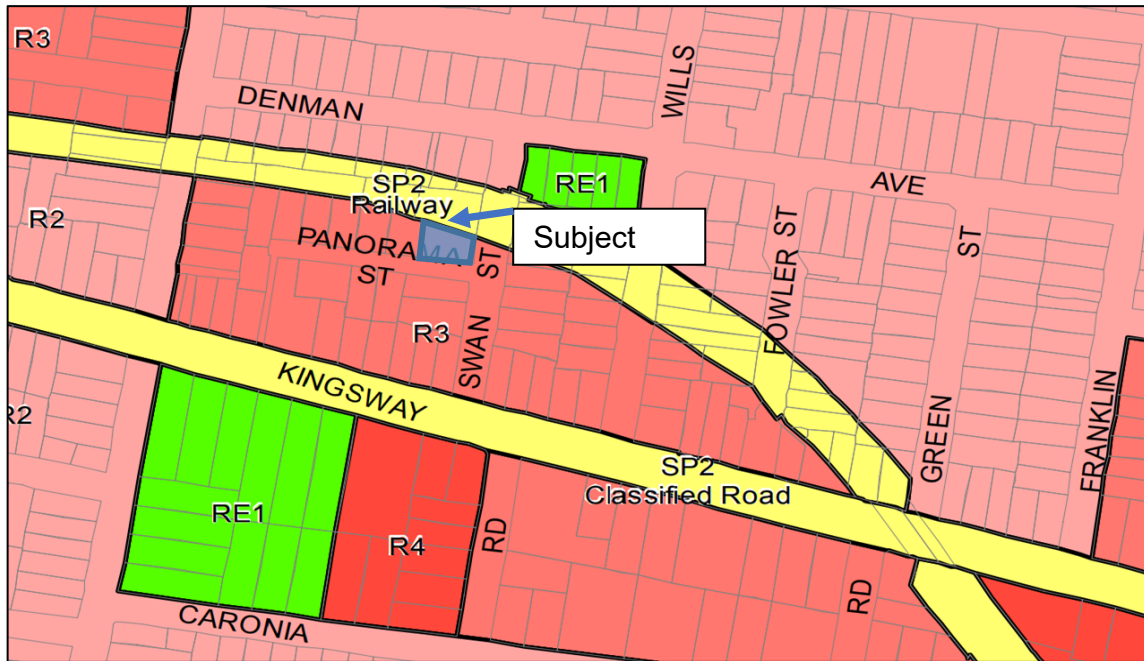


Figure 29 SSLEP 2015 zoning map

As detailed the HSEPP enables residential flat buildings to be considered under division 5 of part 2, where:

- The land is within the Greater Sydney Region.
- It is located within 800 metres of a public entrance to a railway station.
- Residential flat buildings are not otherwise permitted under the relevant LEP.

The subject site satisfies each of these criteria:

- It is in the Greater Sydney Region.
- It is located approximately 8 metres from the public entrance to Woollooware Railway Station.
- It is zoned R3, where residential flat buildings are prohibited.

Accordingly, division 5 applies to the site. The proposal also responds to development controls and character expectations established by chapter 6 of the HSEPP and utilises the floor space incentives under division 1 for proposals that include affordable housing.

While the use is prohibited under the R3 zoning, the zone objectives remain relevant for the assessment of compatibility under clause 39(6)(b)(ii) of the HSEPP. The proposed development is strongly aligned with the following objectives of the zone:

Objective: To provide for the housing needs of the community within a medium density residential environment

The development includes 28 dwellings, of which 14 will be designated as affordable rental housing managed by a registered CHP. The site's proximity to high-capacity transport infrastructure supports medium density housing, and the proposal contributes to meeting the documented shortfall in affordable housing in the Sutherland Shire. The development supports

the housing objectives of the South District Plan, the Sutherland Shire Housing Strategy 2020, and council's Local Strategic Planning Statement.

Objective: To provide a variety of housing types within a medium density residential environment

The apartment mix includes studios, one-, two-, and three-bedroom units. The design also includes adaptable apartments to support people with disability, older people, and other residents requiring flexible and inclusive housing layouts. The proposal supports a diverse residential profile in a format suited to its strategic location.

Objective: To enable other land uses that provide facilities or services to meet the day-to-day needs of residents

The proposal includes a small commercial tenancy at ground level fronting Swan Street, directly adjacent to the entrance of Woollooware Railway Station. This tenancy is designed to accommodate a café or similar neighbourhood-serving use, supporting convenience, amenity, and activation of the public domain.

Objective: To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability

The proposal includes four adaptable apartments designed in accordance with AS 4299. These apartments are also proposed to be compliant with the NDIS Specialist Disability Accommodation (SDA) design standards. The building includes lift access and step-free circulation throughout, supporting inclusive access for all residents.

Objective: To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features

The development has been designed by Stanisis Architects and incorporates articulated façades, varied setbacks, high-quality communal and private open space, and landscaped buffers to the public domain and adjoining residential properties. The design has been informed by schedule 9 of the HSEPP and the ADG. The landscape plan includes 24% deep soil area and 32% overall landscaped area, supporting tree canopy growth and passive cooling. Residential amenity has been maximised through careful apartment layout, privacy treatment, solar orientation, and open space integration.

Objective: To allow development that is of a scale and nature that provides an appropriate transition to adjoining land uses

The proposed development is designed to align with the emerging character envisaged by schedule 11 of the HSEPP, with a built form that addresses the train station and transitions appropriately to the lower-scale residential dwelling to the west at 3 Panorama Avenue. The western interface includes a 4-metre landscaped setback with no habitable windows. Building massing, articulation, and height (maximum 29 metres) are consistent with the 31.2 metre standard under the HSEPP and reflect the anticipated future character of inner core sites. The proposal provides a logical and appropriate transition to surrounding land uses.

5.3.2 Height of Buildings

Under the *Sutherland LEP 2015*, the subject site is subject to a maximum building height of 9 metres, as shown in the LEP Height of Buildings Map.

However, the provisions of the HSEPP 2021 prevail, as the development is facilitated under:

- Division 5, which provides permissibility for residential flat buildings on land where such uses are otherwise prohibited.
- Chapter 6, which applies standardised built form controls to land within designated low and mid-rise housing areas.
- Division 1, which enables additional development capacity where affordable housing is provided.

The site is located within the inner core sub-precinct of the Woollooware Station Low and Mid-Rise Housing Area under schedule 11 of the HSEPP, where residential flat buildings are encouraged in proximity to public transport and activity nodes.

Under chapter 6, Clause 24, the maximum building height for this site is:

- 24 metres (standard height).
- 31.2 metres (where the development includes at least 15% affordable housing).

The proposed development has a maximum building height of 29 metres, which:

- Is permissible under the HSEPP as the scheme includes 50% affordable housing, exceeding the 15% threshold.
- Is well below the non-discretionary 31.2 metre limit for inner core sites applying the 30% height bonus under division 1.
- Is supported by architectural plans and sections that demonstrate a scale and articulation appropriate to the station precinct context.

The height has been designed to transition sensitively to surrounding development, with:

- A 6-metre setback to the west (3 Panorama Avenue) that will include mature tree landscaping as requested by council.
- A built form that addresses Swan Street with appropriate massing, articulation, and active frontage treatments.
- Recessed and modulated upper levels, reducing the perceived scale from the street and public domain.

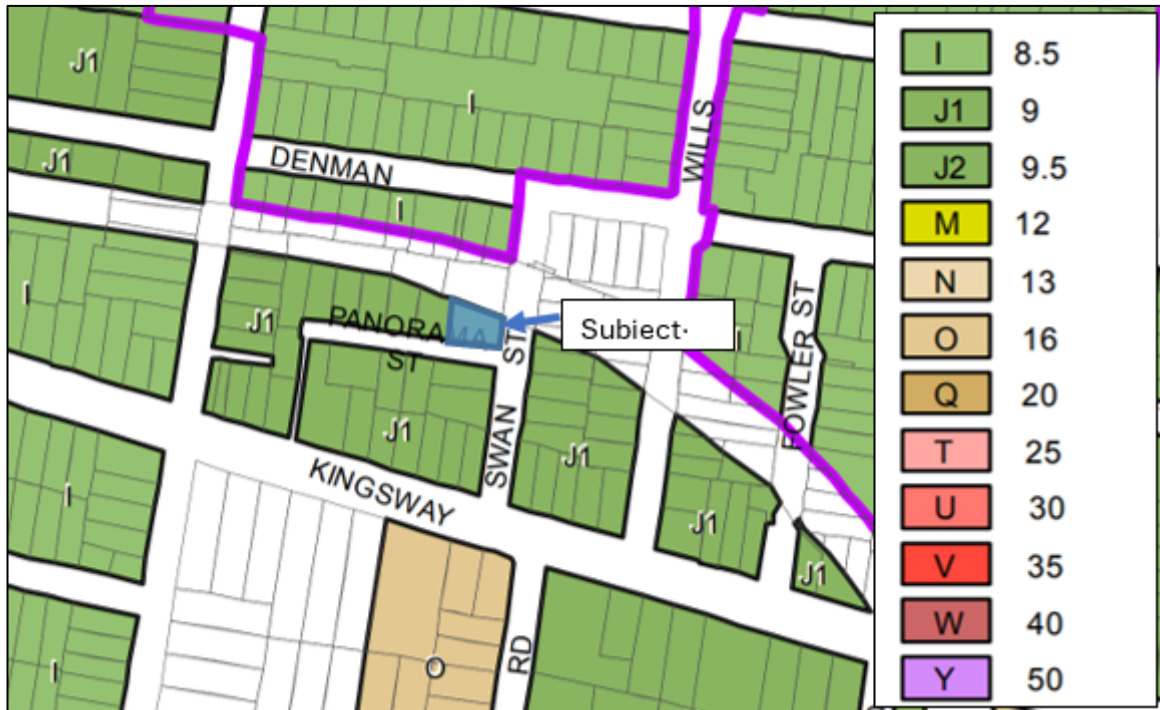


Figure 30 SSLEP 2015 building height map

While the LEP control remains a reference point, it has been superseded by the strategic built form provisions in the HSEPP, which define the desired future character for the precinct. Importantly, the development is also compatible with surrounding heights, including:

- Residential flat buildings ranging from 2 to 4 storeys along Swan Street.
- A train station lift core with a height visually equivalent to 3 storeys.
- R4-zoned land to the south of The Kingsway, with LEP height limits of up to 16 metres and supporting higher density development.

In this context, the proposed height:

- Complies with the applicable HSEPP controls.
- Is compatible with both existing and future surrounding development.
- Achieves a strategically aligned, station-adjacent urban form that reflects the planning intent for inner core precincts under schedule 11.

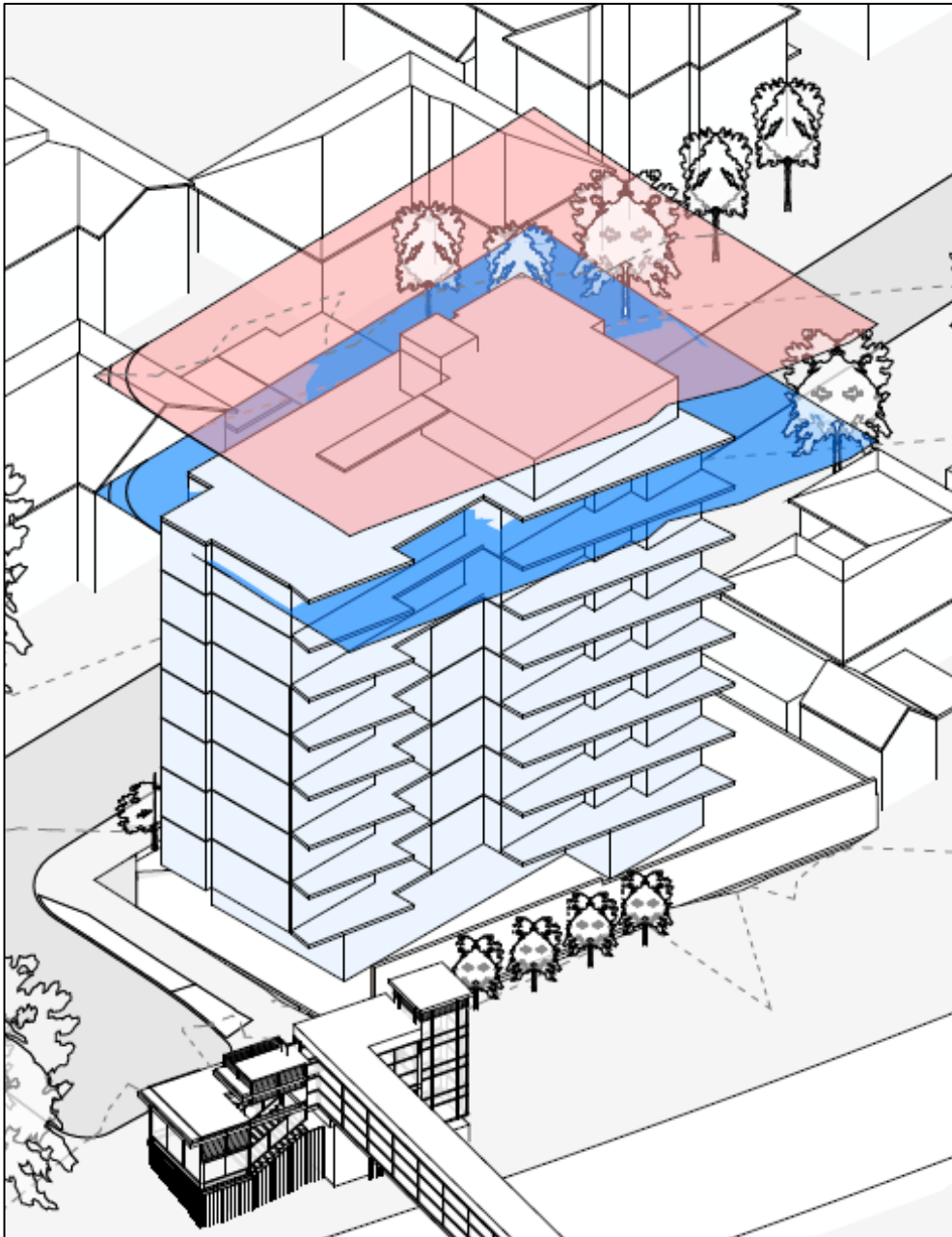


Figure 31 Height of building 'FOG' diagram

5.3.3 Floor space ratio

Under the *Sutherland LEP 2015*, the subject site is subject to a maximum floor space ratio of 0.7:1 and provides the following objectives:

4.4 Floor space ratio

- (1) *The objectives of this clause are as follows—*
 - (a) *to ensure that development is in keeping with the characteristics of the site and the local area,*
 - (b) *to ensure that the bulk and scale of new buildings is compatible with the context of the locality,*



- (c) to control development density and intensity of land use, taking into account—
- (i) the environmental constraints and values of the site, and
- (ii) the amenity of adjoining land and the public domain, and
- (iii) the availability of infrastructure to service the site, and
- (iv) the capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate, and
- (v) the desirability of retaining the scenic, visual, and landscape qualities of the area.

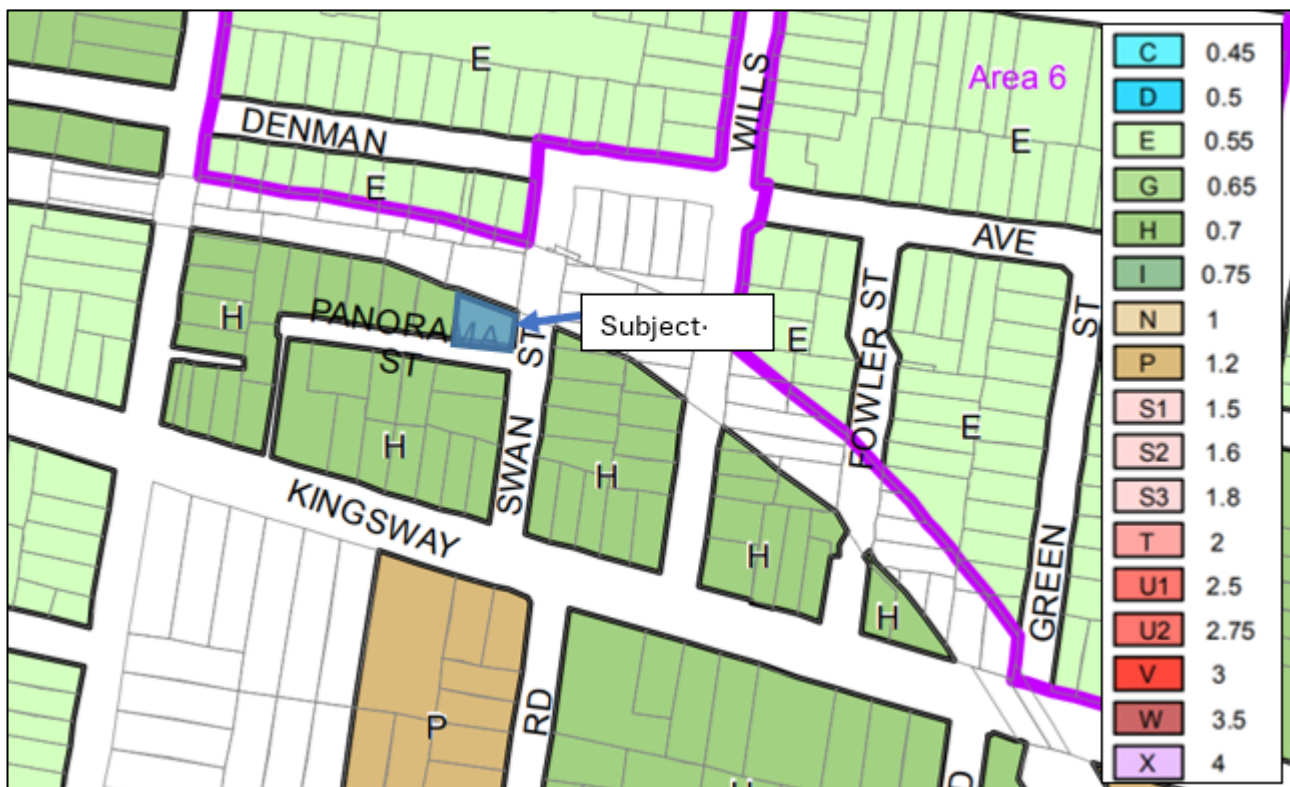


Figure 32 SSLEP 2015 FSR map

The zone control does not permit residential flat buildings on the site, and as such, the LEP control is not applicable to the proposed development in a statutory sense.

Instead, the applicable FSR controls are provided under chapter 6, and chapter 2 division 1 of the HSEPP 2021, which standardises FSRs across designated low and mid-rise housing areas identified in schedule 11. The site is located within the 'inner core' of the Woollooware Station Low and Mid-Rise Housing Area, and under chapter 6 and division 1, the applicable FSR standards are as follows:

- Base FSR: 2.2:1
- Bonus FSR (30%) under division 1: up to 2.86:1, where the development includes between 10% and 15% of gross floor area as affordable housing.
- The proposal includes 50% affordable housing, exceeding the division 1 threshold, and therefore qualifies for the maximum FSR permitted under the HSEPP, which is 2.86:1.

The proposed development has an FSR of 2.86:1, which:

- Complies with the HSEPP's non-discretionary standard.
- Reflects the maximum permissible development capacity for the site under the HSEPP when combined with affordability incentives.
- Supports an efficient and deliverable housing yield on a well-located, transit-adjacent site.

The FSR also reflects a highly efficient use of urban land in close proximity to infrastructure, in line with:

- The principles of clause 3 of the HSEPP.
- The South District Plan's direction to increase housing supply in station catchments.
- Council's LSPS and Housing Strategy, which call for targeted infill housing in well-serviced locations.

Although the FSR significantly exceeds the LEP's 0.7:1 standard, this is both legally permissible and strategically encouraged under the HSEPP. The built form enabled by the SEPP-aligned FSR is demonstrated to be compatible with surrounding land uses under clause 39(6) of division 5, supported by:

- Appropriate setbacks and site layout.
- Landscape integration and communal open space.
- Compliance with solar access, privacy, and amenity standards under the Apartment Design Guide.

The *Sutherland LEP 2015* applies a maximum FSR of 0.7:1 to the site. However, the proposal is brought forward under the HSEPP 2021, which permits a higher FSR of 2.86:1 in this location, based on:

- A base FSR of 2.2:1 for inner core sites under chapter 6; and
- A 30% bonus under division 1, as the proposal includes 50% affordable housing.

Although the LEP development standard does not apply, the objectives of Clause 4.4 remain relevant when assessing the proposal's scale, intensity, and strategic fit. The development is considered consistent with these objectives for the following reasons:

(a) To ensure that development is in keeping with the characteristics of the site and the local area

The proposed FSR of 2.86:1 reflects the site's strategic location directly adjacent to Woollooware Railway Station and within a designated "inner core" station precinct under schedule 11 of the HSEPP. The development responds to both the physical context (sloping site, corner location, rail interface) and the planned future character of the area, which encourages mid-rise, higher density housing formats close to infrastructure.

The building form, setbacks, and articulation ensure the perceived bulk and intensity of development are in keeping with the emerging context, particularly along Swan Street.

(b) To ensure that the bulk and scale of new buildings is compatible with the context of the locality

The proposed scale is compatible with both existing and likely future development in the locality:

- The FSR complies with the maximum permitted under chapter 6 and division 1 of the HSEPP.
- The site is located among other residential flat buildings, including 1, 2 and 3 Swan Street.
- The built form is designed to step down toward 3 Panorama Avenue, maintaining a 4-metre landscaped setback and providing an appropriate transition to lower-scale housing.
- The building's visual impact is reduced by modulation, recessed balconies, and materials that break up bulk and enhance compatibility.

(c)(i) To control development density and intensity of land use, taking into account the environmental constraints and values of the site

The site is not subject to environmental constraints such as biodiversity values, heritage listing, or bushfire risk. The density is appropriate for a cleared, infill urban site, and the proposal includes:

- Deep soil zones (24%) and overall landscaped area (32%).
- Retention of a soft landscape edge to the street and western boundary.
- No encroachment into environmentally sensitive land.

(c)(ii) The amenity of adjoining land and the public domain

The building has been designed to minimise impacts on adjoining properties, particularly:

- A 6-metre landscaped setback to 3 Panorama Avenue.
- No habitable west-facing windows.
- Overshadowing limited to the street and rail corridor during winter solar hours.
- A fine-grain pedestrian interface to Swan Street with active frontage and commercial use enhancing the public realm.

Overall, the development improves the street interface and enhances visual and acoustic privacy for neighbours and residents.

(c)(iii) The availability of infrastructure to service the site

The site is located in a well-serviced urban area, and:

- Is connected to all essential utilities (water, sewer, electricity, NBN).
- Is within 5 metres of Woollooware Railway Station, providing frequent and high-capacity transport.
- Is accessible to services, schools, and recreation within walking distance.

- No additional infrastructure augmentation is required to support the development.

(c)(iv) The capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate

The site is deliberately designed as a transit-oriented, low-impact development. It:

- Provides no on-site residential parking, consistent with clause 38(4) of division 5.
- Includes 28 bicycle parking spaces and 3 motorcycle spaces.
- Relies on high-frequency public transport, reducing traffic impacts.
- Connects to existing pedestrian and cycle networks in the area.
- The low car dependency of the proposed development supports walkability and mode shift objectives consistent with broader government policy.

(c)(v) The desirability of retaining the scenic, visual, and landscape qualities of the area

The development respects and enhances the visual quality of the area by:

- Maintaining landscaped street setbacks and deep soil planting.
- Providing a high-quality architectural design by Stanasic Architects that incorporates material variation, façade articulation, and urban integration.
- Ensuring rooftop structures are set back and minimally visible from public areas.
- Avoiding disruption of key views or local landscape features.

The building contributes positively to the evolving identity of the Woollooware Station precinct and is consistent with the character outcomes sought under schedule 11 of the HSEPP.

5.3.4 Clause 4.6 variation requests and relationship to the HSEPP

Clause 4.6 – Exceptions to Development Standards (Sutherland LEP 2015)

Clause 4.6 of the *Sutherland Local Environmental Plan 2015* provides a mechanism for consent authorities to vary development standards where compliance is shown to be unreasonable or unnecessary in the circumstances of the case, and where the proposed development will result in a better planning outcome.

The clause applies to numerical development standards contained within the LEP, such as height of buildings (Clause 4.3) and floor space ratio (Clause 4.4), provided the applicant can demonstrate:

- Compliance is unreasonable or unnecessary in the circumstances (Clause 4.6(3)(a)),
- There are sufficient environmental planning grounds to justify the contravention (Clause 4.6(3)(b)), and
- The variation is consistent with the objectives of the relevant development standard and zone.

Interaction with Clause 1.9 – Relationship to State Environmental Planning Policies

Clause 1.9 of the Sutherland LEP 2015 acknowledges that where there is any inconsistency between the LEP and a State Environmental Planning Policy (SEPP), the provisions of the



SEPP prevail to the extent of the inconsistency. In this context, the HSEPP (2021) – particularly **Chapter 6 (Affordable Housing)** and **Division 5 (Site Compatibility Certificates)** – takes precedence where applicable.

HSEPP Application

The proposal is being advanced under the HSEPP 2021, which overrides certain local planning controls where land is appropriately zoned and the proposal meets key criteria. This includes:

- Division 5 provisions, under which a **SCC** has been sought (or will be),
- Chapter 6 provisions which facilitate in-fill affordable housing development on suitable sites.

Under these provisions, aspects such as land use permissibility, development density, and design standards are governed primarily by the HSEPP and supported by the strategic objectives of the local planning framework.

Compliance position

At this stage, the proposal complies with the applicable land use and zoning provisions under the *Sutherland LEP 2015*, particularly with Clause 1.2 (Aims of the Plan), Clause 2.3 (Zone objectives and land use table), and other applicable controls. With Clause 1.9 invoked, the HSEPP applies and prevails in relation to development standards that would otherwise restrict affordable housing delivery under the LEP.

Future flexibility via clause 4.6 (if required)

While the current scheme is compliant with the relevant LEP and HSEPP provisions, it is noted that as the design of the proposal is refined—particularly during the development application phase—there may be minor adjustments to gross floor area or building mass. If such refinements result in a numerical exceedance of LEP development standards (e.g., FSR or height), a Clause 4.6 variation request can be prepared and submitted. This would enable a merit-based consideration of any proposed exceedance, ensuring the design continues to deliver a high-quality and policy-aligned outcome.

5.3.5 Heritage

The subject site at 1 Panorama Avenue, Woollooware is not located within a heritage conservation area, is not identified as a heritage item under *schedule 5 of the Sutherland LEP 2015* and is not directly affected by any adjoining heritage items.

The nearest heritage item is located at 2 Swan Street, on the opposite side of the road from the subject site. This property is identified as Item I4110 “Wyndham Flats”, a locally listed residential flat building of Interwar period character, likely constructed between 1930 and 1942.

The heritage listing describes the item as:

- A two-storey freestanding building, constructed in face brick with rendered and scribed brickwork.
- Featuring a stepped parapet and an asymmetrical facade composition consistent with the Interwar style.
- Situated on a site that has since been significantly altered by adjacent modern development, including Woollooware Railway Station and recent multi-unit residential buildings along Swan Street.



The context of the heritage item has been substantially diminished, with its eastern boundary now fronting the public domain of the station and modern infrastructure. While the building retains some original character, it is no longer part of a consistent historic streetscape.

The proposed development at 1 Panorama Avenue has been designed to respond sensitively to the setting of this item. In particular:

- The new building adopts a flat roof form, consistent with the parapeted presentation of the heritage item.
- The scale transition from the station toward the heritage item is managed through landscaped setbacks and street interface treatments.
- The contemporary architectural language of the proposal avoids mimicry, maintaining a respectful distinction while ensuring the new development does not visually dominate or detract from the item.
- The proposed commercial use at ground level provides an active, human-scaled frontage, improving public realm legibility and complementing the item's setting.

In summary, the proposed development:

- Does not physically impact the heritage item at 2 Swan Street.
- Will not result in a loss of heritage significance for the item.
- Is located in a contemporary and evolving urban context, where the item's original setting has been altered by successive development.
- Will be supported by a future heritage impact assessment at DA stage, together with a public art strategy to further reinforce local identity and place character.

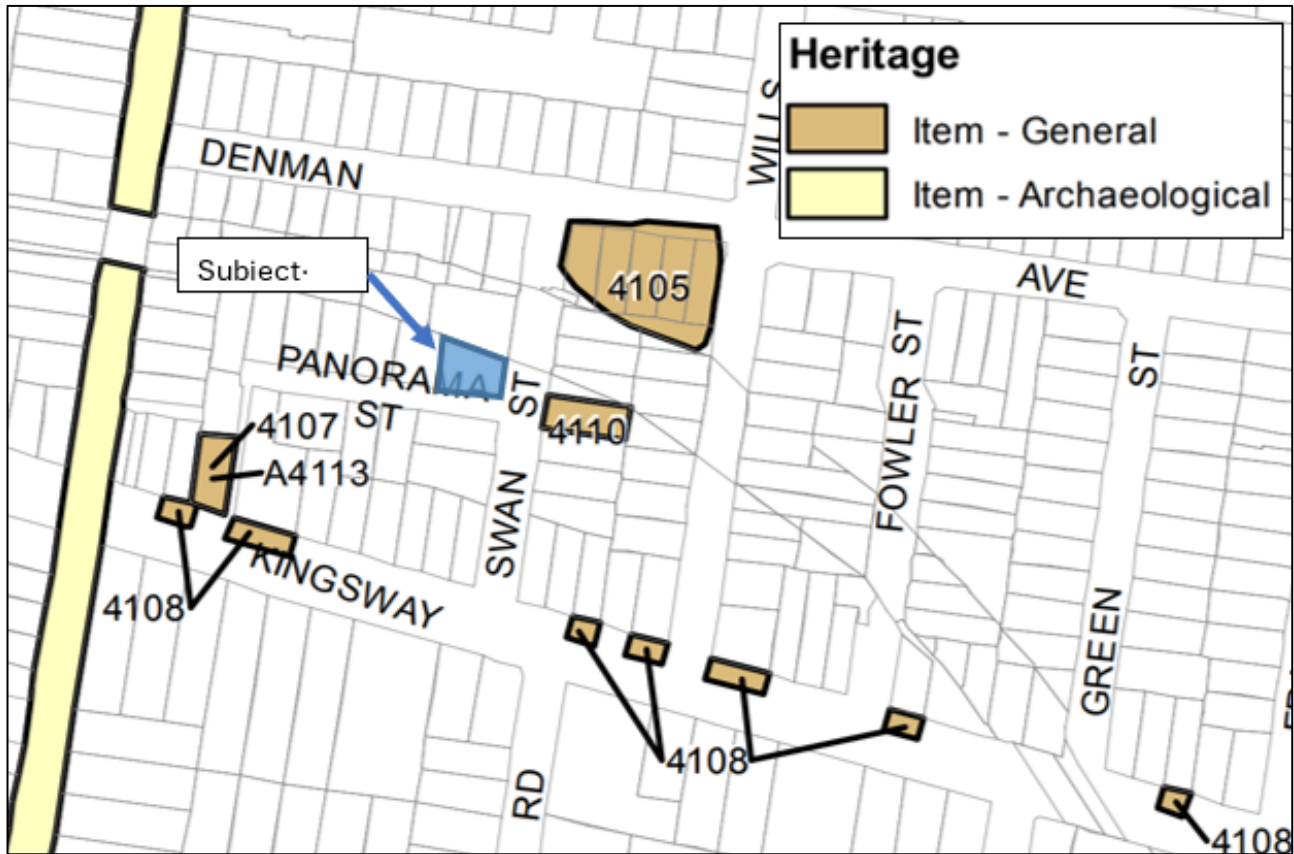


Figure 33 SSLEP heritage map



Figure 34 Item I4110 "Wyndham Flats"



6 Strategic context and the need for affordable housing

6.1 Overview

The proposed residential flat building at 1 Panorama Avenue, Woollooware, is situated within a transport-rich and infrastructure-ready part of metropolitan Sydney. This SCC application supports a scheme that will deliver 28 apartments, 50% of which will be managed as affordable housing under division 5 of the *HSEPP 2021*. The site is identified in schedule 11 of the SEPP as being within the ‘inner core’ of the Woollooware Station Low and Mid-Rise Housing Area, and thus benefits from specific strategic and statutory development settings.

The application is being brought forward in the context of a recalibrated NSW planning framework that elevates housing delivery, affordability, and infrastructure efficiency as dominant priorities in both State and local planning policy. This section demonstrates how the proposal aligns with the new and emerging strategic planning context, and how it delivers a form of housing that is now a central goal of the NSW Government.

6.2 Strategic realignment: state planning context

6.2.1 Transition from structure to outcomes

While the *Greater Sydney Region Plan (2018)* and its vision of a “Metropolis of Three Cities” remains in effect, current planning decisions are increasingly shaped by State policies focused on practical housing outcomes, including:

- NSW Housing Strategy 2041.
- State Infrastructure Strategy 2022–2042.
- HSEPP 2021, including Chapters 2 and 6.
- Treasury Directions on housing supply and productivity.
- Internal Department of Planning, Housing and Infrastructure (DPHI) priorities centred on station precincts, TODs, and infrastructure-aligned housing acceleration.

These policies promote urban renewal and housing delivery on well-located, underutilised land, prioritising locations within walking distance of public transport.

6.2.2 NSW Housing Strategy 2041

The *NSW Housing Strategy 2041* defines four key directions:

- **Supply:** Meet housing needs with more homes in the right locations.
- **Diversity:** Deliver housing choice for changing communities.
- **Affordability:** Support access to affordable homes.
- **Resilience:** Build homes and communities that are sustainable and resilient.

The proposed development directly responds to these strategic themes by:

- Delivering increased housing supply on a serviced urban site.
- Providing a mix of dwelling types, including adaptable and SDA-compliant homes.

- Ensuring 50% of dwellings are affordable rental housing managed by a registered CHP.
- Promoting sustainability through transit-oriented development, reduced car dependency, and green infrastructure integration.

6.3 Greater Sydney Region Plan (2018)

In March 2018, the NSW Government published A Metropolis of Three Cities – The Greater Sydney Region Plan (The Plan). The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in Directions for a Greater Sydney which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan's performance.

The Plan further projects the population of Greater Sydney to grow to 8 million over the next 40 years. The Plan seeks to rebalance the economic and social opportunities and leverage that growth and deliver the benefits more equally across Greater Sydney. The goals are for:

- Residents to have quick and easy access to jobs and essential services.
- Housing supply and choice to increase and meet the growing and changing needs of the community.
- The environment and precious resources to be protected.
- Infrastructure to be sequenced to support growth and to be delivered concurrently with new homes and jobs.

To meet the needs of a growing and changing population the vision seeks to transform Greater Sydney into a metropolis of three cities:

- The Western Parkland City
- The Central River City
- The Eastern Harbour City.

The site is located in the Eastern Harbour City. The population of the Eastern Harbour City is projected to increase from 2.4 million people to 3.3 million people over the next 20 years.

The subject site adjoins the Woollooware train station, being 8 metres from the entrance. The T4 Cronulla railway line connects the site to Cronulla in approximately 1 minute, Sutherland in approximately 12 minutes, and the Sydney CBD in approximately 45-50 minutes. Further, a small cluster of convenience shops are located 200 metres to the north of the train station. The site therefore achieves many of the locational attributes identified in the Plan having excellent proximity to public transport, jobs and employment opportunities within a walkable catchment area.

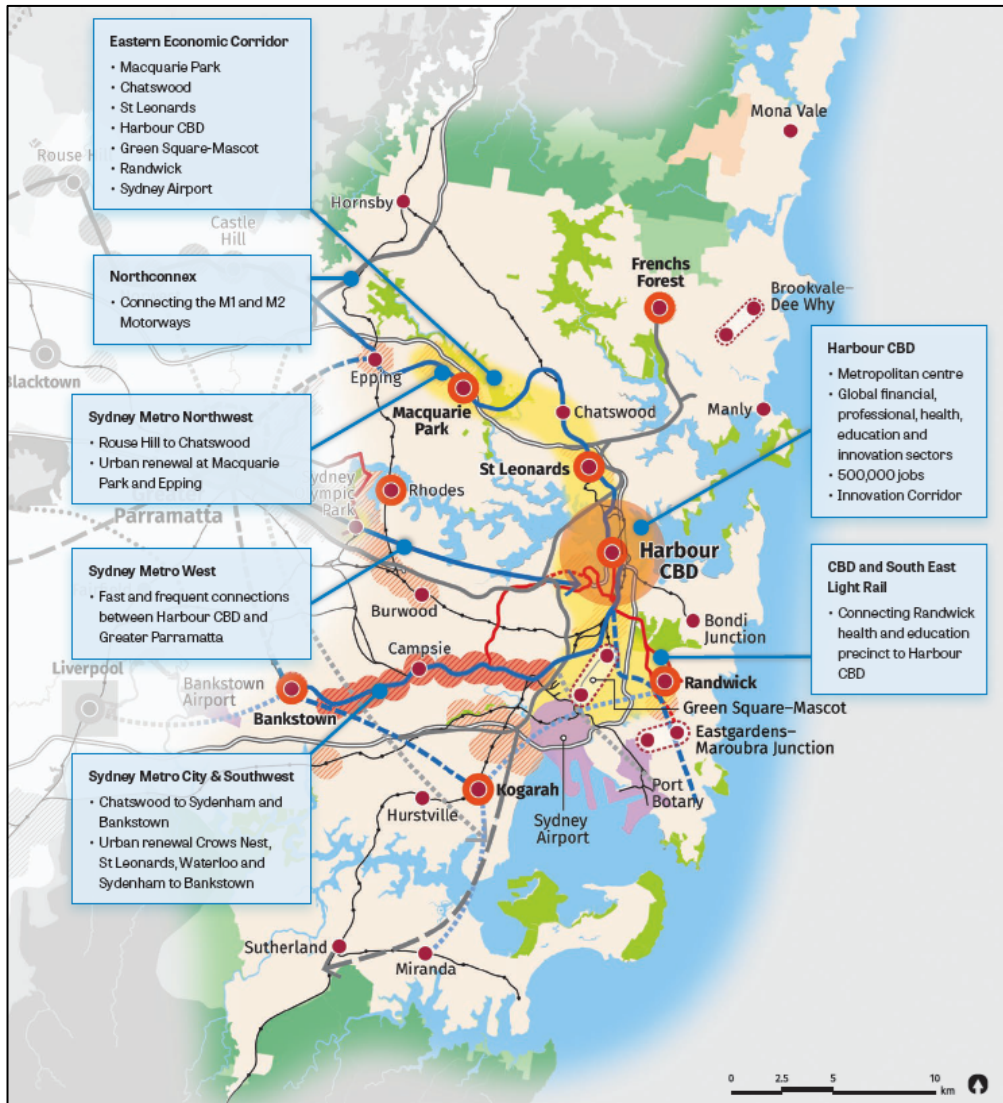


Figure 35 Eastern Harbor City Structure Plan

To achieve the objectives for the Eastern Harbour City, the plan includes 10 directions and 40 objectives, supporting actions and priorities for each “City”.

To improve liveability, The Plan seeks to create new great places, with well-connected communities which have access to a range of jobs and services, starting with public places, open spaces and transit-oriented developments. This new SCC application seeks to deliver affordable housing close to public transport connecting residents to a network of jobs and opportunities.

Direction 4 “Housing the City” of the Greater Sydney Plan seeks to provide housing choice for people, which can be achieved through “greater housing supply”, “increased housing completions” and “more diverse and affordable” housing.

The NSW Communities & Justice Local Government Housing Kit database, states that as of September 2017, only 14.9% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. As a comparison to NSW standards as a whole, 54.1% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. The

comparison to NSW as a whole paints a very bleak future for low income families in the Sutherland Shire.

This application for a SCC will facilitate and contribute 28 dwellings increasing housing supply, 50% of which will be affordable homes. The site benefits from its location next to the Woollooware train station. This connects the site to Cronulla, Miranda Westfield, and Sutherland within a matter of minutes.

The site is an underutilised site in its context, being located next to a train station entrance in Metropolitan Sydney. The site has the ability to redevelop in the short term, meeting the desire and strategic planning framework of urban renewal in this location, connecting new residents with other parts of the Sutherland Shire, the Harbour CBD and nearby residents with new jobs. The site is within the 30-minute city objective.

The purpose of the HSEPP is to promote the delivery of housing in locations where it will make good use of existing and planned infrastructure and services and to meet the needs of more vulnerable members of the community, including very low to moderate income households. Division 5 of part 2 of the HSEPP seeks to achieve this purpose by supporting affordable housing in locations where development is compatible with its surroundings and context.

The site is adjoined by residential development with similar controls and is located within an established urban residential area. It can be concluded that the application for an SCC meets a key objective of the Act, meets the objectives of the SEPP, and is consistent with the provisions of the LEP which contemplates provisions of a SEPP that may prevail over the LEP.

While the subject SCC application does not seek consent for any development, it will facilitate the provision of additional housing while balancing this with high standards of amenity and design. The actions of the Greater Sydney Region Plan will be realised through future applications for development.

6.4 South City District Plan

Greater Sydney's three cities identified in the Greater Sydney Region Plan – A Metropolis of Three Cities reach across five districts. The South District covers the Canterbury- Bankstown, Georges River and Sutherland local government areas. The District connects to the Central River City through Bankstown and to the Western Parkland city through Liverpool.

The South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The goal of the Plan is to “*have well-coordinated, integrated and effective planning for land use, transport and infrastructure*”. The District Plan provides the means by which the Greater Sydney Region Plan can be put into action at the local level.

“The South District will continue to grow over the next 20 years with demand for an additional 83,500 dwellings. This will be provided through urban renewal, around new and existing infrastructure, and infill developments. The focus of growth will be on well-connected, walkable places that build on local strengths and deliver quality public places.”

In undertaking strategic planning processes, and/or preparing or considering planning proposals, planning authorities must give effect to the District Plan, specifically the Planning Priorities and Actions. While this application is not for development and does not seek to amend the Sutherland



LEP 2015, it does seek to facilitate is significant benefit of affordable rental housing through the provisions if the HSEPP, which will be realised through future DAs.

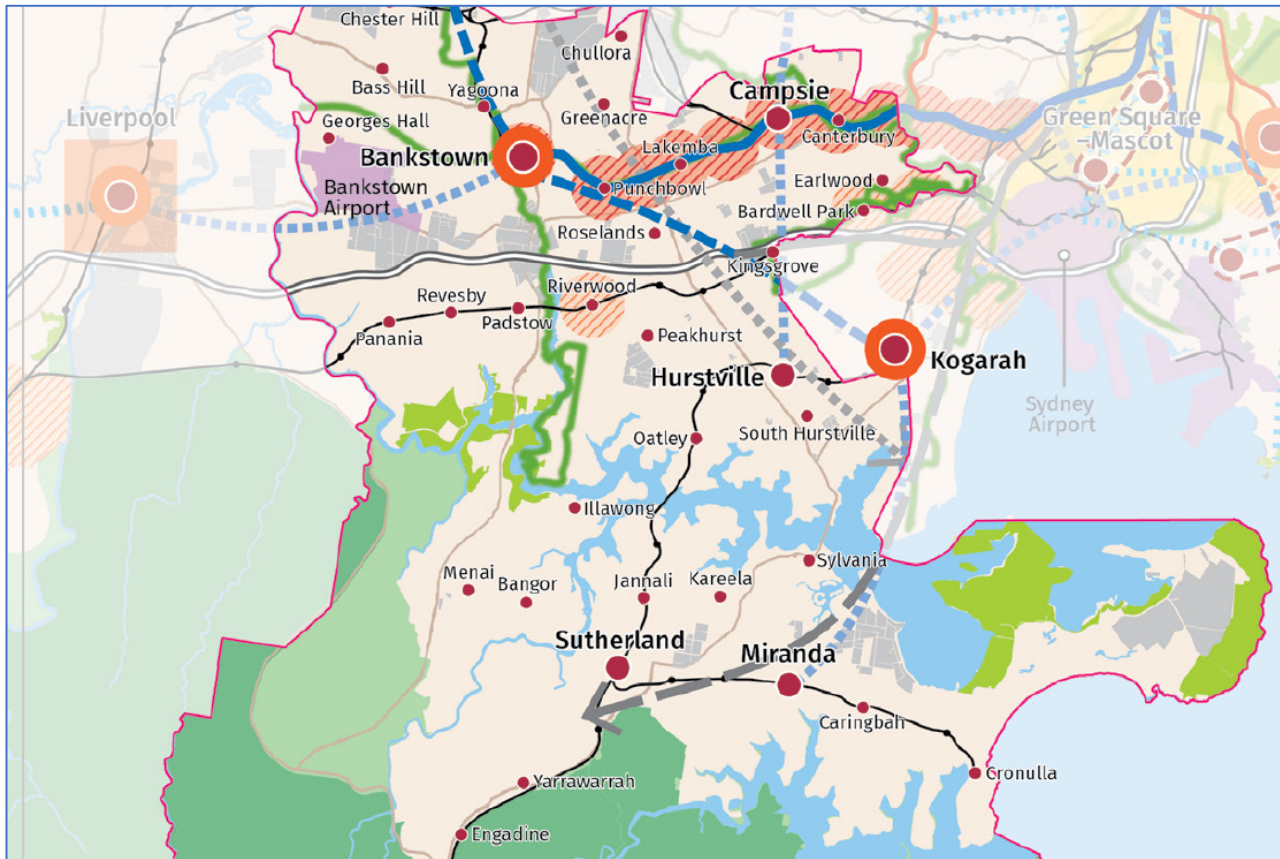


Figure 36 Extract from South District Structure Plan

In the South District the greatest increase in population is expected in Canterbury-Bankstown Local Government Area, where 70 per cent of new residents (142,450 additional people by 2036) will be accommodated due to anticipated urban renewal. The next largest increase is anticipated to be in the Sutherland Local Government Area, where the population will increase by 13 percent. *“The South District will continue to grow over the next 20 years with demand for an additional 83,500 dwellings. This will be provided through urban renewal, around new and existing infrastructure, and infill developments.”*

Further, the Plan sets a 0-5 year housing target for the District of 23,250, with 5,200 of these new dwellings targeted to be built in the Sutherland Shire. The SCC application will facilitate future development of the site that support an additional 28 dwellings of which 50% will be affordable.

6.5 Sutherland Shire local strategic planning statement

The Sutherland Shire Local Strategic Planning Statement (LSPS) sets out a coordinated vision for how places in the Sutherland Shire are to be planned and managed in the future.

The Planning Statement was publicly exhibited from September to October 2019. Following receipt of written support from the Greater Sydney Commission, council’s Local Strategic Planning Statement (LSPS) was made (finalised) by the CEO of Sutherland Shire Council on 15 September 2020.

The LSPS articulates the vision of how places and land use in Sutherland Shire will be described in 20 years' time. Of particular relevance is council's vision that *"young people can start families in more affordable houses close to where they grew up. There are opportunities for residents to live in homes that suit their family structures, lifestyle and income"*.

Planning Priority 10 of the LSPS addresses the need for housing choice in order to ensure the Sutherland Shire community is provided with a choice of housing by making available opportunities for a range of housing sizes and types within each community. The NSW Communities & Justice Local Government Housing Kit database, states that as of September 2017, only 14.9% of rental stock was affordable for low income housing households. As a comparison to NSW standards as a whole, 54.1% of rental stock was affordable for low income housing households. The comparison to NSW as a whole paints a very bleak future for low income families in the Sutherland Shire.

Opportunities are therefore required to facilitate the provision of affordable housing where appropriate. Specifically, Action 10.4 seeks to ensure council *"Collaborate with the Community Housing Providers Industry Association, Community Housing Providers, not-for-profit housing providers, charities and the broader industry to deliver affordable rental housing and to explore ways that supply can be enhanced"*. Further, other relevant extracts from the LSPS specifically include:

- Page 8 – *"Young people can start families in more affordable houses close to where they grew up. There are opportunities for residents to live in homes that suit their family structures, lifestyle and income"*.
- Page 54- *"The housing strategy must consider housing affordability - critical to achieving a diverse community and providing opportunities for workers to live locally. In September 2017, only 16% of rental stock in Sutherland Shire was affordable for very low and low income households. The Affordable Rental HSEPP is one mechanism to deliver affordable rental housing Research and policy development is required to facilitate more affordable rental housing in Sutherland Shire"*.
- *Community Housing Providers such as St George Community Housing and charities play an important role in the delivery of affordable rental housing. NSW Land and Housing Corporation is the agency responsible for social housing provision. Ways to enhance housing supply can be explored through greater collaboration with these stakeholders.*

Provision of affordable housing through the incentives of the HSEPP directly seek to support the actions of the LSPS while also achieving the objectives of council's policy and strategic outcomes for the Sutherland Shire.

6.6 Local housing strategy 2020 and draft 2041 local housing strategy

The key goals of the Sutherland Shire Housing Strategy 2020 include:

Accommodating Growth: Planning for the expected population increase by providing diverse housing options that meet the needs of different demographics

Preserving Character: Maintaining the suburban, low-density character of neighbourhoods while integrating new housing developments

Enhancing Liveability: Ensuring new housing is connected to infrastructure, jobs, open spaces, and services to enhance the quality of life for residents

Sustainable Development: Promoting environmentally sustainable practices in housing development to minimize the ecological footprint to accommodate growth, the Sutherland Shire Housing Strategy focuses on several key approaches:

Higher Density in Key Areas: Concentrating new development around selected town centres to allow for higher density housing. This helps to provide more housing options while preserving the low-density character of other areas.

Diverse Housing Options: Offering a variety of housing types to meet the needs of different demographics, including families, singles, and older residents.

Infrastructure and Services: Ensuring new housing developments are well-connected to infrastructure, jobs, open spaces, and essential services to enhance liveability²⁷.

The draft 2041 local housing plan is under consideration and progression. According to council's preliminary consultation program and responses inform that the community wants to keep the suburban, quiet, low-density character of neighbourhoods by keeping single houses with back yards. This is not a surprising response as those that are not in housing stress typically dominate these type of consultation forums and do not have a particular self interest in causing change that may stimulate policy that promotes greater supply and more options for those in housing stress or those that have not benefited from significant land asset price rises brought about by low rates of supply in housing.

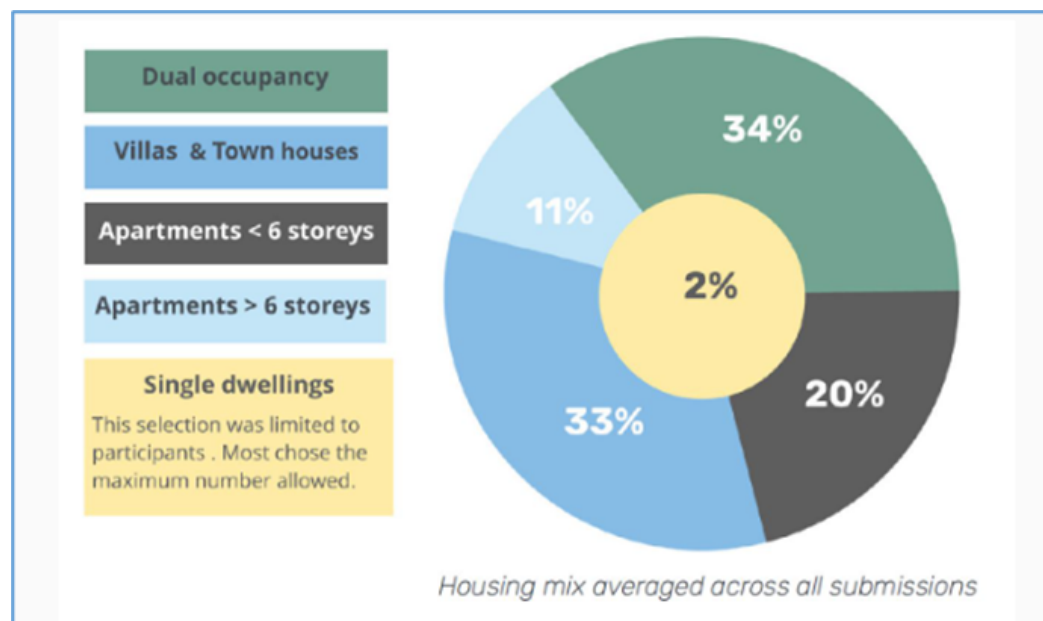


Figure 37 2021 response graph (source SSC webpage)

It was noticed that the council staff sensibly provided stimulation to that context by seeking to get comment as to what types of in-fill housing those responding to the consultation preferred.

²⁷ <https://www.sutherlandshire.nsw.gov.au/plan-and-build/planning-for-sutherland-shire/housing-strategy>

The council has published a graph that seeks to represent that groupings opinions. The data shown in Figure 34 informs typology preference.

Council advises in its 2041 policy development process that the council's role is to plan for the existing and upcoming needs and expectations of our community while balancing local and state government priorities, with consideration of housing options for 10-20 years in the future. The council advises that it is intend that the right type of homes will be made available for residents in the right locations and connected to infrastructure, jobs, open space, services and entertainment options.

The council advice is that the strategy will rest heavily with the state government's policy approaches and such is relevant to this application noting the primary EPI and specific division to which this development applies was amended in late 2023 (division 1) and further in February 2025 (chapter 6) to promote the type of development proposed.

This draft strategy is under public exhibition until 23 May 2025 and aligns with the NSW Government's housing target of 6,000 new homes by 2029. It emphasises diverse and well-located housing types, including dual occupancy, villas, townhouses, and apartments in centres.

The State policy changes brought forward to which the council comments refers, includes a deliberate attitude by the state government to adjust policy to ensure the delivery of the government planning systems are committed to housing the people of the state.²⁸

6.7 Sutherland Shire draft affordable housing policy

The Sutherland Shire Council has exhibited a Draft Affordable Housing Contribution Scheme (AHCS) that proposes a levy-based approach to fund affordable housing through developer contributions. While the objectives of the policy are consistent with broader State planning ambitions to increase affordable housing, the practical limitations of the draft scheme are significant when compared to the delivery model advanced under the HSEPP, particularly Divisions 1 and 5.

The Panorama project—proposed under division 5 of the HSEPP—will deliver 28 apartments, with 50% (14 dwellings) secured as affordable housing for a minimum of 15 years, managed by a registered CHP. This exceeds the likely delivery yield that could be achieved under the draft SSC levy scheme, which according to feasibility testing would result in a much lower output relative to apartment approvals across the LGA.

Table 10 Hypothetical affordable housing yield under SSC levy model

Year	Estimated Approvals	Value per Unit (\$)	Total Value	5% Levy (\$)	Units Funded (at \$850k each)
Avg. 2023–25	753	850,000	\$639,837,500	\$6,398,375	8

By contrast, the Panorama project, facilitated entirely by State policy settings and without reliance on council levies or funds, will produce:

²⁸ <https://jointheconversation.sutherlandshire.nsw.gov.au/housing-strategy-2041>

**Table 11 Panorama project – HSEPP division 5 delivery model**

Project	Total Units	Affordable Units	Tenure	Council Role
Panorama	28	14 (50%)	15+ years	Assessment only (no funding or levy)

These figures underscore the efficiency and efficacy of the SEPP incentive model relative to the council's proposed scheme.

Performance Accountability

A central shortcoming of the draft AHCS is that it does not appear to be evidence-based. The policy provides no clear metrics for what it aims to achieve, no modelling of how many affordable dwellings it will deliver, and no cost-benefit justification for the administrative burden it imposes. Despite proposing a new layer of bureaucracy, the scheme lacks the fundamental hallmarks of performance-driven policy design. It is therefore questionable if it is sound policy alignment to the Objectives of the Act.

This concern is amplified by the absence of specific, measurable delivery targets. While it describes how contributions would be collected and managed, it offers no evaluation framework for success. It is unclear how council—or the community—will assess whether the policy has made a meaningful contribution to affordable housing outcomes.

Without these elements, the policy risks being perceived not as a tool for delivery but as a symbol of intent. It creates the appearance of action without delivering substance. In effect, it becomes an ideologically motivated response that prioritises policy architecture over measurable housing outcomes. By contrast, division 5 of the HSEPP is outcome-oriented and embedded within a tested, scalable delivery framework. The draft AHCS lacks explicit delivery targets or a quantifiable business case identifying the number of dwellings it seeks to achieve. It outlines the management of funds but omits a framework for measuring housing outcomes or affordability impact. By contrast, division 5 provides a clear statutory structure tied to defined affordability commitments, project-level delivery, and integration with Commonwealth funding streams.

Strategic Alignment

The draft AHCS is proposed to apply only to areas within designated centres. While Woollooware is identified as a centre under council's LSPS and further targeted through chapter 6 of the HSEPP, council has yet to implement a specific framework to translate that recognition into real delivery outcomes.

This delay, however, should not be used as justification to defer or stall site-responsive proposals like Panorama. The HSEPP already provides an effective, incentive-based pathway that delivers substantially more affordable housing than the draft levy model could achieve. Rather than waiting for a local policy to mature, council should embrace the existing State policy framework that is delivering outcomes now. The Panorama proposal is fully aligned with:

- NSW Housing Strategy 2041
- South District Plan

- Chapter 6 and Divisions 1 & 5 of the HSEPP

Moreover, it aligns with the intent of council's LSPS and Housing Strategy 2020, which support collaboration with CHPs and housing diversity near centres. However, the SCC pathway offers real and timely delivery, while the draft contribution scheme introduces delay, complexity, and uncertain yield.

Analysis

While it is appropriate for council to have a mechanism to levy uplift where feasible (e.g., via planning proposals or VPAs), such approaches should remain targeted and marginal. They should not detract from council's core role: facilitating housing delivery via efficient assessment processes and supporting the objectives of the HSEPP. In this light, the Panorama project represents a far more effective model.

The department is encouraged to issue the SCC for this project promptly and clearly, enabling a future DA to proceed efficiently and in alignment with both State and local strategic housing goals and encourage council to not be wed to

6.8 Diverse and well-located homes NSW government program

The NSW government diverse and well-located homes program aims to bring several benefits to communities. The government informs there are five keyways it will help:

More Housing Choices: The program encourages a variety of housing options, including low-rise and mid-rise buildings, to cater to different needs and life stages. This means people can find homes that better suit their preferences and circumstances.

Proximity to Amenities: Homes will be built closer to transport, shops, services, and open spaces. This makes it easier for residents to access essential services and enjoy a higher quality of life.

Increased Affordability: By building more homes in well-located areas, the program aims to increase housing supply and reduce costs. This can make housing more affordable for a broader range of people.

Faster Home Delivery: Constructing homes near existing infrastructure and amenities is more cost-effective and quicker. This means new homes can be delivered faster, helping to meet the demand more efficiently.

Better Design Standards: The program promotes well-designed homes through specific design criteria and endorsed housing designs. This ensures that new housing developments are not only functional but also aesthetically pleasing and sustainable.²⁹

²⁹ <https://www.planning.nsw.gov.au/policy-and-legislation/housing/diverse-and-well-located-homes/benefits-for-you-and-your-community>

6.9 Need for affordable housing

6.9.1 Social and economic impact

The proposed development will deliver a total of 28 dwellings, with 50% (14 dwellings) to be managed as affordable housing by a registered CHP, PCH, for a minimum period of 15 years, in accordance with Clause 40 of the HSEPP 2021.

This proposal aligns with division 5 of part 2 of the HSEPP, which is expressly designed to enable housing outcomes on land where residential flat buildings are otherwise prohibited, subject to compatibility and affordable housing objectives being met.

In terms of social impact, the development:

- Responds directly to a critical local and regional shortfall in affordable rental housing.
- Supports key workers, seniors, and households on very low to moderate incomes.
- Promotes social inclusion by integrating affordable dwellings within a mixed-tenure, well-located development.
- Enables high-amenity, transit-oriented living without the financial burden of private vehicle ownership.

There are no material adverse social impacts anticipated, and the positive economic and equity outcomes are strongly aligned with both State and local policy priorities.

6.9.2 Strategic and policy context

6.9.2.1 NSW Housing Strategy 2041 and HSEPP 2021

The *NSW Housing Strategy 2041* and *HSEPP 2021* reflect a coordinated policy framework to address the growing crisis in housing affordability. These instruments prioritise:

- Housing diversity and supply in high-opportunity areas.
- Delivery of affordable housing near jobs, services, and infrastructure.
- Collaboration with the community housing sector to ensure long-term housing outcomes.

This project directly addresses these priorities by delivering deeply affordable rental housing in a location that:

- Adjoins a major train station.
- Is supported by local services and infrastructure.
- Is ready for early development without rezoning or land use conflict.

The project applies division 5 of the SEPP to unlock land use potential otherwise restricted under the Sutherland LEP and relies on division 1 and chapter 6 to regulate height and FSR, achieving strategic housing outcomes supported by government.

An examination of housing needs reaffirms the critical importance of providing a diversity of housing across the housing continuum in Greater Sydney. The continuum recognises the fundamental importance of household income on the ability to access housing of different types, cost and tenure. Households on moderate, low or very low incomes, who spend more than 30

per cent of their income on housing, are impacted in their ability to pay for essential items like food, clothing, transport and utilities.

Lower income households (earning up to approximately \$67,600 per annum) without other financial support cannot afford the average rental cost for even more moderately priced areas of Greater Sydney, which are generally on the outskirts of Greater Sydney.

Cities require a range of workers to be close to centres and jobs. An absence of affordable housing often results in workers having to commute for long distances.

Many moderate-income households face housing diversity and affordability challenges – typically households with incomes of \$67,400–\$101,400 per annum. Recent research indicates that about half of young Greater Sydney residents are considering leaving Greater Sydney within the next five years, with housing affordability being a key issue. It also highlights that smaller well-located dwellings are considered an acceptable approach to reducing housing cost.

As previously discussed, the NSW Communities & Justice Local Government Housing Kit database, states that as of September 2017, only 14.9% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. As a comparison to NSW standards as a whole, 54.1% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. The comparison to NSW as a whole paints a very bleak future for low income families in the Sutherland Shire.

"This is a prime opportunity for the NSW government to work with the community housing sector and the construction industry to invest in social and affordable housing, and support jobs, SMEs and NSW's vulnerable citizens," NCOSS chief executive Joanna Quilty is quoted as saying when the report was released.

The Equity Economics modelling was commissioned by the NSW Council of Social Service, Homelessness NSW, Shelter NSW, the Community Housing Industry Association and the Tenants' Union of NSW.

Further, the council has a deliberate policy consideration process and implementation relating to the delivery of affordable housing. The Sutherland Shire Local Strategic Planning Statement, notes the important role of CHPs and the private sector in the delivery of affordable housing in the region, going some way to reversing the trend of extremely limited supply in the Sutherland Shire of rental accommodation of low and very low-income households.

Specifically, Action 10.4, under Planning Priority 10 Housing Choice, states:

"Collaborate with the Community Housing Providers Industry Association, Community Housing Providers, not-for-profit housing providers, charities and the broader industry to deliver affordable rental housing and to explore ways that supply can be enhanced".

This is identified as a short-term goal, for council to work with industry and providers to realise the goal. This is a unique opportunity to support the supply of affordable housing, near a major piece of transport infrastructure in an area that already accommodates a number of residential flat buildings. The new land use controls specifically assist the economic dynamics of the project to support a significant local social need.



If the proposed use of a residential flat building was able to be provided without the incentives of an additional permitted use under division 5 of part 2 of the HSEPP, the ability to provide the social need in the form of lower cost housing for those in the community that qualify would not be possible. History shows that new housing supply generated in the local market is targeted at significantly higher cost housing. The increased value created through the additional use, specifically enables those gains of increased value into the financial model of the project to support the provision of the social need without the burden of a specific levy that transfers those deadweight costs to other market sectors.

The proposal is compatible within its context and supports the Government's and council's objectives to increase the provision of affordable housing while promoting the efficient use of public transport and existing infrastructure.

6.9.3 Housing affordability report to the Premier

In 2017 the former governor of the Reserve Bank of Australia (RBA) Mr Glenn Stevens AC was asked by the Premier of NSW to provide a report to the Premier of NSW on the issue of housing affordability including any recommendations that he advised should be implemented into the NSW planning system. It is noted that report and recommendations were accepted by the NSW Government.

On the challenge of affordability Mr Stevens noted:

“Certainly, if our objective is housing being “affordable” in an environment of growth in population and income, we need to have the market clearing at lower prices for dwellings. This means we need to have the supply side able to respond to demand in a more elastic way. The only alternative would be to find other, non-price, ways of rationing demand. Tempting as these might be at times, they are likely to have serious unintended consequences. Even if they did not, suppressing demand at any given price level is surely inferior to meeting genuine demand through higher productivity.”

Stevens progresses to state that Sydney has attributes and challenges that work against affordability.

“So if government is serious about tackling the issues at the heart of the ‘affordability’ problem, and not just responding to symptoms, it needs a plan for growth. It also needs to articulate to a sometimes-sceptical populace – those who are already here - what we need to do to accommodate more people, why growth without a plan is a not a good outcome but also why an even worse outcome would be stagnation. After all, houses tend to be quite affordable in locations that are declining - because people don’t want to live there.”

“To be sure, Sydney has geographical challenges that some other capitals do not. But it is worth asking the question why land has to be so expensive. Are there artificial constraints to land supply that may be exacerbating this problem? The costs are compounded by unwillingness to contemplate smaller lot sizes, in contrast to some other cities. If land is genuinely scarce, then we need to be prepared to use it more efficiently.”

This application in using the planning systems policy for a change in land use and more efficient assessment systems that seeks to supply increases of density in an area where people want to live assists directly to provide a scheme that is responding to the challenges of affordability.

6.9.4 Development under the HSEPP

The proposed development would be built under the HSEPP. The HSEPP requires that 50 per cent of the units in a development are rented out as affordable housing by a CHP for no less than 15 years (which allows for asset recycling). Under the proposed scheme, 14 apartments would be leased and managed by PCH.

The HSEPP gives the state and council the opportunity to work with a CHP to get an affordable outcome that provides housing choice and access for housing singles, families and couples. Specifically, the Sutherland Local Strategic Planning Statement observes:

“Community Housing Providers such as St George Community Housing and charities play an important role in the delivery of affordable rental housing. NSW Land and Housing Corporation is the agency responsible for social housing provision. Ways to enhance housing supply can be explored through greater collaboration with these stakeholders.”

The subject site is underutilised in its locational context next to the Woollooware Station and near the Cronulla town centre, which connects to the site to other centres, including Sutherland, Miranda, Wollongong and the Sydney CBD.

This application has demonstrated that the development will avoid any perceived land use conflict, is a logical residential development, and enables the capture of the increased permissibility gains to be deliberately and directly applied to support the provision of affordable housing in an unaffordable area for low and very low income families.

6.9.5 Objectives of the EP&A Act 1979

When performing functions under the Act, authorities will be guided by three additional new objects promoting:

- good design and amenity of the built environment.
- the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).
- the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.
- to promote the delivery and maintenance of affordable housing.

The new objects of the Act commenced from 1 March 2018.

The objects of the Act are guiding principles that need to be considered by planning authorities, such as councils and Local Planning Panels, when making decisions under the Act.

According to the Department's own explanatory notes guiding how the new objects are to be interpreted, *“promoting social equity through the provision of Affordable Housing and directly dealing with the issues of housing stress in Sydney is already a relevant consideration that may be considered by decision-makers.”*

The explanation goes on to highlight the increased importance of affordable housing as a consideration: *“Having an affordable housing object elevates the importance of promoting and facilitating the provision of Affordable Housing as part of the planning system as a whole and will ensure that affordable housing provision is considered and balanced with the other objects of the Act.”*

The Department also notes that the HSEPP: *“Enables a consistent planning regime for the provision of affordable rental housing, to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, to facilitate the retention and mitigate the loss of existing affordable rental housing, to facilitate an expanded role for not-for-profit-providers of affordable rental housing and to support local business centres by providing affordable rental housing for workers close to places of work.”*

Therefore, it can be seen that there is a deliberate planning approach applied about the practical application of the objectives of the Act and the use of an EPI to achieve the objective.

7 Conclusion

This SCC application demonstrates that the proposed development at 1 Panorama Avenue, Woollooware is a strategically justified, lawfully enabled, and socially beneficial proposal aligned with the purpose and operation of the HSEPP 2021. The application satisfies all relevant criteria under Clause 39(6) and provides a clear and appropriate pathway for enabling affordable housing delivery.

The proposed development:

- Delivers 28 apartments, with 14 dwellings (50%) to be secured as affordable housing for a minimum of 15 years under Clause 40 of the SEPP, managed by a registered CHP .
- Applies the integrated policy mechanisms of chapter 6, division 1, and division 5 to establish permissibility, incentivise feasibility, and confirm planning merit.
- Is located within an inner core station precinct, consistent with the desired future character and development typology prescribed by schedule 11.
- Reflects best-practice urban design principles and achieves high levels of residential amenity, sustainability, and integration with public infrastructure.

Importantly, this proposal follows two earlier, unsuccessful efforts to redevelop the site for the purpose of affordable housing. Understandably, the applicant was initially reluctant to re-engage with council given the legacy of past resistance. However, consistent and constructive advice from the Regional Director at the Department of Planning, supported by their team, encouraged renewed engagement with council—an approach that has proved valuable.

Under the leadership of the director of planning and the manager of assessments at council, the tone of engagement has shifted markedly—from previous hostility to one of transparent and professional facilitation. This change has enabled a genuinely collaborative pre-lodgement process, including robust design review and meaningful constructive feedback. As a result, the proposal has been strengthened through changes that enhance amenity, landscape quality, and contextual responsiveness.

The SCC is not sought to override the role of local government, but rather to support both council and the state in jointly delivering housing outcomes that respond to the region’s critical shortage of affordable rental accommodation. The project is fully aligned with the objectives of the NSW Housing Strategy 2041, the South District Plan, and council’s own Local Strategic Planning Statement (LSPS) and Housing Strategy.

The applicant also identifies a ground floor commercial tenancy—proposed for a café or similar active use—that contributes positively to the project’s social, financial, and placemaking outcomes. However, it is acknowledged that an SCC cannot be used to permit a prohibited land use outside of a residential use under an LEP. Accordingly, we respectfully request that the department consider alternative mechanisms within the secretary’s powers—such as a planning pathway amendment or policy clarification under the HSEPP or standard instrument—to facilitate this use. The current prohibition of such uses in R3 zones, even when strategically justified and clearly in the public interest, appears to be an unintended consequence of the SEPP’s evolution and warrants review.

In the context of the NSW Housing Accord, where early certainty and cross-government alignment are critical to securing finance and delivery, we also request that the SCC be:

- Issued with clarity on land use, height, scale, of the building and compatibility to support the progression to DA.
- Framed to enable flexibility for design and amenity refinement through the development assessment process under Section 4.15 of the EP&A Act.
- Accompanied by departmental support for resolving the café permissibility issue quickly and efficiently through appropriate regulatory mechanisms.

This proposal presents an opportunity to deliver high-quality, inclusive, and well-located affordable housing in an under-utilised yet highly accessible location. The applicants are encouraged by the constructive planning environment fostered by both the department and council and look forward to progressing the next stages of this initiative. It is without doubt that this locality requires this type of development to arrest the declining social equity in the area.

In this context, the SCC is more than an administrative step—it is a necessary enabler of delivery for a building aimed at delivering urgently required affordable and market rental housing. It provides the strategic assurance required to give both the private and community sectors confidence to proceed, de-risking the project for investors, delivery partners, and tenants alike. This early-stage certainty is particularly vital for mixed delivery models that combine social benefit with commercial responsibility.

Moreover, this application stands as a practical demonstration of how division 5 of the HSEPP can function as intended: not to override councils, but to support them by clearing a path through restrictive planning instruments where strategic alignment has been demonstrated. It allows councils to focus on local merit and amenity matters within a reliable and enabling framework.

When interpreted faithfully, the SCC offers the planning system a bridge between policy intent and implementation. It is a tool designed to facilitate, not frustrate, the delivery of affordable housing. However, its potential has too often been constrained by outdated paradigms of environmental control, legal conservatism, and reluctance—among some authorities and practitioners—to embrace a shared responsibility for housing outcomes.

That this project has moved beyond those constraints—through a collaborative partnership between council, the department, and the applicant—should be acknowledged as a positive precedent. We respectfully submit that this SCC application be endorsed not just as a technically compliant proposal, but as a model for how State and local government can work



together with a CHP and private sector investment team to support delivery—with the public, private, and community sectors operating in alignment.

In that spirit, we seek the department’s support in issuing the SCC efficiently and in a timely manner with the clarity, intent and confidence required to unlock the next phase of this important, policy-aligned, and socially impactful development. As qualified urban planners, with the support of social planners, architects, and economists, we consider the proposed development to be a well-conceived and policy-aligned response to the acute need for affordable and inclusive housing in the region. The proposal demonstrates strategic merit, design quality, and social benefit consistent with the objectives of the HSEPP. We respectfully submit that the project is clearly worthy of support by the secretary through the issuance of a SCC.



Figure 38 Refined concept scheme post council engagement east view with desired future character context