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# Application for a site compatibility certificate 149–157 Kingsway and 51–55A Woollooware Road, Woollooware



**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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**CIVIC**

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## Document Control

Version	Date	Notes	Prepared	Review
1	10 May 2025	Review Civic and PCH model	Matthew Daniel	James Matthews
1.1	16 June 2025	Refinement of application post 14 May meeting with council and to implement engineer infrastructure items	Matthew Daniel	James Matthews
1.2	20 June 2025	Review of traffic and transport Final infrastructure review.	Matthew Daniel	James Matthews Jason Nowosad (Stanisic)

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Pacific Economics and Sustainability

**stanisic architects**



## 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 approximately 200-dwelling residential flat building with ground floor community and commercial uses on land at Woollooware Road, Woollooware. The proposal includes a diverse mix of apartment types and sizes, with 50% of the dwellings (100 apartments) to be secured as affordable rental housing for a minimum period of 15 years in accordance with clause 40 of the HSEPP 2021, to be managed by PCH.

The proposal 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, Chapter 2 Part 2 Division 1, and the compatibility assessment framework under clause 39. The application satisfies the statutory preconditions under clause 37 of the HSEPP and provides the necessary justification for the Planning Secretary to issue a SCC.

The site:

- Is zoned R2 Low density residential under the Sutherland LEP 2015, where residential flat buildings (RFB) are prohibited and is adjacent to R3 Medium density zoned land.
- Is located within approximately 10 metres of the entrance to Woollooware Railway Station and clearly satisfies the proximity criteria set out under clause 36(2)(b) of the HSEPP.
- Is identified in Schedule 11 of the HSEPP as part of the “inner core” of the Woollooware Station low and mid-rise housing area.
- Forms part of a larger and contiguous landholding, enabling a precinct-scale affordable housing initiative that is compatible with the built form of nearby R3 and R4 zoned land.

This SCC application is submitted in the context of the NSW Government’s housing reform agenda, including the NSW Housing Accord, which seeks to unlock delivery of affordable housing in infrastructure-ready, well-located areas. The Woollooware site is precisely such a location. It is directly adjacent to high-capacity public transport, walkable to shops, schools, open space, and community facilities, and presents no environmental or servicing constraints.

The proposal also reflects a broader public interest objective: to demonstrate how State-led inclusionary zoning frameworks, when supported by planning authorities, can enable social benefit through precinct-scale, privately financed affordable housing. The project is led by a registered CHP in partnership with Civic Disability Services Ltd (Civic), a long-established not-for-profit organisation seeking to consolidate its housing and service delivery model. The project includes dual key apartments to accommodate SDA housing and flexible tenancy needs, with communal infrastructure designed to support social integration.

The proposal includes a community centre with direct connection to a new public open space. It is also a consideration that additional amenity and community benefit can be promoted with an ancillary café with the community-use space—this use is not currently permissible under the R2 zoning. The applicant acknowledges that the SCC cannot confer permissibility for non-residential uses, but requests that the department explore options for enabling this important component

through a separate mechanism, including use of the secretary’s powers under Part 3 of the Environmental Planning and Assessment Act (EP&A Act) or a subsequent policy clarification under the HSEPP. The café tenancy supports financial sustainability, place activation, and the civic function of the site.

The SCC, if issued by the secretary would:

- Confirm the compatibility of the proposed land use, built form, and scale under clause 39(6) of the HSEPP.
- Establish a lawful and strategic planning foundation for the future lodgement of a development application (DA) with a supporting clause 4.6 variation for height and FSR.
- Enable early and immediate engagement with Housing Australia and other Commonwealth funding agencies, with the potential for affordability to be secured for a 25-year period or longer, subject to funding approval.
- Reduce risk and increase certainty for private investors, community delivery partners, and future residents.
- Provide a scalable and replicable example of how CHPs can work with the private sector, Commonwealth, state and local governments to deliver housing that responds directly to the needs of low and moderate-income households.
- Assist the department to meet the objectives of the NSW Government’s commitment to the National Housing Accord.

The proposal is fully aligned with the South District Plan, the Sutherland Shire LSPS and local housing strategy, and the objectives of the NSW Housing Strategy 2041. It complies with all relevant requirements under clause 37 and clause 39 of the SEPP and is supported by legal advice confirming that the required DA may lawfully rely on clause 4.6 where necessary.

This application aligns with the broader national housing reform agenda and the NSW Government’s commitment under the 2024 National Planning Reform Blueprint. The project directly supports state-endorsed priorities for facilitating housing delivery on infrastructure-serviced land through flexible, outcome-focused planning pathways. The secretary’s early consideration of this SCC application enables timely progression of a high-yield, mixed-tenure project consistent with the delivery-based ethos now central to NSW housing policy.

The applicant respectfully seeks the secretary’s support in issuing a SCC to enable the project to proceed to the DA stage efficiently. The proposal is a clear example of how the planning system can be used constructively and lawfully to enable housing outcomes that meet state objectives, community needs, and sound urban planning principles.

## 2 Introduction

### 2.1 Policy alignment and national context

This SCC application is brought forward at a time of unprecedented focus on housing delivery across all levels of government. Under the National Housing Accord, the NSW Government has

committed to structural reform of planning systems to enable faster delivery of diverse, affordable housing in infrastructure-ready areas. The Department of Planning, Housing and Infrastructure's (department) 2024 Blueprint for Planning Reform reaffirms this commitment by prioritising delivery mechanisms—such as the HSEPP—as tools for enabling strategic housing outcomes where local instruments may constrain them. The Woollooware Road project, with 50% affordable housing, located in an area of high housing stress for those on lower to moderate incomes exemplifies the type of urban development envisioned in this reform era.

It is understandable that questions may arise during assessment about whether a rezoning process might be more appropriate. However, this report demonstrates that the applicant has made good faith efforts to pursue alternate pathways, including a combined planning proposal and SSD process via one of the newly arranged policy systems promoted by the blueprint. Despite these efforts, the project did not proceed via those channels—due to misunderstandings regarding its, context, attributes and objectives. The advice responding from those processes is that the project should progress down established methods. This division 5 application is not a circumvention of proper process; rather, it is a use of the precise mechanism that the NSW planning framework has established in 2009 and prevails to date to deliver projects of this kind, where merit, compatibility and strategic alignment are evident.

In this context, the application is not only permissible—it is desirable. It provides an opportunity to deliver much-needed market and affordable housing in a well-serviced location and in a manner consistent with both national and state policy with significant community benefit. The proposal also offers significant social value through Civic's service integration model and has the potential—subject to Commonwealth engagement—to secure longer-term affordability outcomes.

In light of these factors, and with the high merit displayed in this application, it is reasonable to conclude that the proposal is a strong candidate for support under the new provisions and the division 5 framework so it can transition to next stages of detailed state significant assessment. It is a well-considered, strategically aligned development that responds meaningfully to the priorities set out by the NSW Government. Approval of the SCC will give practical effect to those priorities and support a credible delivery partner in meeting the needs of the community in a transparent community engaged process.

## 2.2 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 SCC<sup>1</sup>.

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

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



cities such as London<sup>2</sup> and New York<sup>3</sup> 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 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 benefit<sup>4</sup>.

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 interest<sup>5</sup>. 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.

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<sup>2</sup> 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](https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf)

<sup>3</sup> 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>

<sup>4</sup> NSW Department of Planning (2009). *SEPP (Affordable Rental Housing) 2009 – Minister's Introduction and Policy Overview*.

<sup>5</sup> 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.

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*<sup>6</sup>, 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 units<sup>7</sup>. In New York, the *Mandatory Inclusionary Housing* (MIH) program links additional floor area to affordable unit delivery<sup>8</sup>. In London, planning concessions are provided under the *London Plan* to proposals meeting minimum affordable housing thresholds<sup>9</sup>. 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 deliver<sup>10</sup>.

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.

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

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

<sup>8</sup> 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>

<sup>9</sup> 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](https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf)

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

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 scepticism<sup>11</sup>.

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.

## 2.3 Overview

This report has been prepared by Pacific Planning on behalf of PCH to accompany an application to the NSW DPHI for a SCC under chapter 2, part 2, division 5 of the HSEPP. The application relates to land located at 149–157 Kingsway and 51–55A Woollooware Road, Woollooware.

The SCC supports the proposed development of the site for a mid-rise, residential flat building project comprising approximately 200 dwellings, of which a minimum of 50% will be designated as affordable housing, to be managed by PCH, a registered CHP. These affordable dwellings will be retained and managed in accordance with Clause 40 of the HSEPP for a minimum period of 15 years.

The subject site is zoned R2 Low Density Residential, where development for the purposes of a residential flat building is prohibited under the Sutherland Shire Local Environmental Plan 2015 (SSLEP). However, the site is located immediately adjacent to land zoned R3 Medium Density Residential and lies within 190 metres in distance of a public entrance to Woollooware railway station—a station listed in schedule 11 of the HSEPP. Consequently, the site satisfies the definition of a low and mid-rise housing inner area under chapter 6 of the SEPP and is therefore considered strategically appropriate for higher density development, consistent with the provisions of division 5 of part 2 of the HSEPP.

The applicant, PCH 1 Pty Ltd (a landholding entity affiliated with PCH), together with Pacific Planning and Civic Disability Services Ltd (a partner Tier 3 CHP), has consistently sought to deliver a well-located affordable housing project on this site.

As a Tier 3 registered CHP and long-standing disability services organisation, Civic Disability Services Ltd (also Waratah Housing) currently delivers supported accommodation and whole-of-life assistance to clients across multiple locations within the Sutherland Shire. However, the fragmented nature of these service sites creates inefficiencies in service delivery and presents operational challenges for both tenants and staff. The Woollooware proposal presents a unique opportunity for Civic to consolidate its existing supported accommodation, SDA tenancies, and wraparound services into a single, purpose-designed precinct. This model will enable greater on-

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<sup>11</sup>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.

site support coordination, improve client outcomes, and allow Civic to more effectively deploy its workforce. Many of Civic’s key support workers—particularly younger staff and single-person households—are increasingly displaced from living near their place of work due to rising local housing costs. This project provides a rare and valuable opportunity to deliver secure, affordable rental housing for these essential workers within walking distance of Civic’s services, supporting both workforce stability and improved continuity of care for clients.

Importantly, the integration of Civic’s disability support services within a larger, mixed-tenure development promotes inclusivity, tenant choice, and social cohesion—while responding directly to the growing demand for dignified, accessible housing options within the local area.

This development also seeks to embed the principles of inclusionary housing gain into the planning and financial structure of the project. Rather than seeking to maximise commercial returns, the project proposes to apply the land value uplift unlocked through the SCC process directly to support the delivery of affordable and specialist housing. In this way, the additional development potential is not used to target increase private yield but is leveraged as a social dividend—funding enduring housing outcomes for people with disability, low to mid-income renters, key workers and first time home buyers. This approach offers a replicable model for how density uplift can be used as a positive planning tool, delivering real affordability and inclusion outcomes within well-serviced, strategically located areas.

On 28 February 2025, the Minister for Planning and Public Spaces introduced chapter 6 of the HSEPP as a direct intervention to address the housing supply and affordability crisis in New South Wales. This landmark reform provides a consistent, transparent framework for residential development within key urban locations and enables the use of mid-rise built form typologies (including RFBs) in R1, R2, R3 and R4 zones where strategic location and infrastructure capacity justify such intensification.

The objectives of chapter 6 are to:

- Remove outdated and exclusionary planning controls that limit housing supply and diversity.
- Enable residential development near public transport, services, and employment.
- Promote consistent, merit-based assessment regimes across councils.
- Support delivery of affordable, social and specialist housing by CHPs and the private sector.
- Embed a transparent framework for housing delivery aligned with *EP&A Act* objectives.
- Increase community confidence through predictable and strategically consistent decisions.

This planning reform represents a deliberate policy shift by the NSW Government—toward direct state-led facilitation of housing delivery in areas where local strategic planning has not kept pace with need. Chapter 6 is not merely an overlay; it is a housing delivery instrument, intended to remove planning friction and enable real outcomes aligned with the NSW Housing Strategy 2041, District Plans, and the State Infrastructure Strategy.

The subject site is precisely the type of underutilised, well-located land that chapter 6 is designed to unlock. With adjacency to R3 land, immediate proximity to high-frequency rail, and walkable

access to open space, schools, and retail services, the site satisfies the strategic and locational criteria for compatibility and intensification.

Accordingly, this SCC application seeks to confirm the compatibility of the site and its context to support a future SSD application under the Planning Systems SEPP. The report describes the site and its characteristics, the proposed development, planning context, strategic justification, and the project's alignment with the objectives and intent of the HSEPP.

The application is supported by the following appendices:

Appendix A – Survey plan

Appendix B – Concept architectural reference concept scheme

Appendix C – Urban design report

Appendix D – Letter of CHP registration and role (PCH and Civic)

Appendix E – Authority to lodge letter

Appendix G – Infrastructure review report

Appendix F – Preliminary transport and access assessment

## 2.4 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 % of dwellings are separate houses, while 39 % are multi dwelling homes or apartments. There is a higher proportion of apartments in Woollooware than the Sutherland Shire as a whole (25 % 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 % of employed people resident in the Sutherland Shire lived and worked in the area, and 53 % lived in the area but worked outside of the area. Of the total, only 18 % lived in the area and worked in Sydney, while approximately 20 % 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.

## 2.4.1 Rental availability in the Sutherland Shire

### 2.4.1.1 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 %, down from 2 % in the middle of 2024 (a healthy rental market has a vacancy rate of around 3 %). 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
<b>Total</b>	<b>8</b>

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

### 2.4.1.2 Rental housing affordability

The benchmark for affordable housing is 30 % of gross income. Any higher than that, and those on 120 % 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 % of the median household income) can afford a rent of \$535 per week before they are in housing stress. A household with 120 % 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 % 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

#### 2.4.1.3 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-served 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.

<b>Golf course</b>	600	Local leisure and social sport venue.
<b>GP Clinic</b>	400	Primary healthcare service within walking distance.
<b>GP Clinic</b>	420	Redundancy in health services adds convenience and capacity.
<b>GP Clinic</b>	550	Supports access to general medical consultations.
<b>GP Clinic</b>	570	Strengthens local access to healthcare professionals.
<b>Woollooware public school</b>	500	Government primary school supporting family access to education.
<b>Burraneer Bay public school</b>	800	Nearby primary school broadens local enrolment options.
<b>St Francis de Sales Catholic Primary School</b>	470	Catholic school providing alternate educational choice.
<b>Woollooware high school</b>	990	Government secondary school within walking distance.
<b>Woolworths Woollooware Bay</b>	1000	Large-scale grocery and retail centre for daily needs.
<b>Noshis Supermarket</b>	830	Smaller local grocer offering convenience shopping.
<b>Pharmacy</b>	400	Pharmaceutical access near GP services, supporting health needs.
<b>Pharmacy</b>	780	Additional pharmacy improving local medicine access.
<b>Bay Central Shopping Centre</b>	1000	Modern retail and dining precinct with supermarket, medical centre, and cafes.
<b>Woollooware Bay Town Centre</b>	1000	Integrated community and commercial hub with hotel, gym, rooftop cinema, and childcare.
<b>Revive Church</b>	1000	Active Christian church with community outreach and social programs.
<b>Soul Revival Church (Woollooware Campus)</b>	1000	Local Anglican church offering youth groups and services.
<b>Woollooware Shores Retirement Village</b>	1200	Aged care and independent living units with gardens and wellness services.
<b>2nd Woollooware Scout Hall</b>	1000	Youth-focused organisation offering development, leadership and events.

Hagger Park	500	Green space with children play area and bike track.
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## 2.5 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 RFBs, 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 RFBs 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 the 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, more reliance 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.

## 2.6 Integrated HSEPP pathway supporting affordable housing

The HSEPP provides a coordinated framework to deliver diverse and affordable housing across New South Wales. The proposed 200-dwelling development within Woollooware with related community infrastructure, within the Sutherland Shire, is brought forward under the combined operation of:

- **Chapter 6**, which enables RFBs 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.

### 2.6.1 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 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 R2, 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.

### *2.6.2 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 RFBs enabled by chapter 6.

Importantly, the aim in 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.

### *2.6.3 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.

This SCC application therefore seeks to test the compatibility of applying the R3 density framework—already established to the north and east of the site—through the provisions of chapter 2, part 2, division 5 of the HSEPP. This compatibility-based planning mechanism enables additional density to be assessed on merit without requiring a formal rezoning, providing a faster and more certain pathway to deliver public benefit. The additional yield sought is not speculative; it is a deliberate enabler of affordable rental, specialist disability accommodation, and key worker housing in a high-cost locality. The SCC pathway is therefore a more appropriate and strategically aligned mechanism to achieve the desired planning and social outcomes for the site.

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.

#### 2.6.4 Alignment of HSEPP provisions

This submission 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.
- Categorises the project as BTR under chapter 3 part 4 and guides the assessment process for the future detailed development application process via the PSEPP if an estimated cost exceeds \$50 million.

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.

**Table 5 Coordinated application to the Woollooware site**

Provision	Role in this Proposal	Planning Benefit
<b>Chapter 6</b>	Makes RFB permissible in R2 zone; establishes development form	Aligns land use with state-defined future character
<b>Division 1</b>	Offers 30% FSR bonus for 15% affordable housing (GFA) or an uplift of 0.5:1 in density where base FSR are below 2:1 and 50% of affordable housing is provided.	(Aimes to) Enhances feasibility and yields a design-responsive, mixed-income scheme. (however, in this case these controls provide a disincentive to investment in social outcomes due to the uneconomic impact).
<b>Division 5</b>	Enables SCC for ≥50% affordable housing; confirms compatibility and details requirements for	Establishes permissibility, provides a certification of a building that is compatible to the surrounding land enables an SSD process



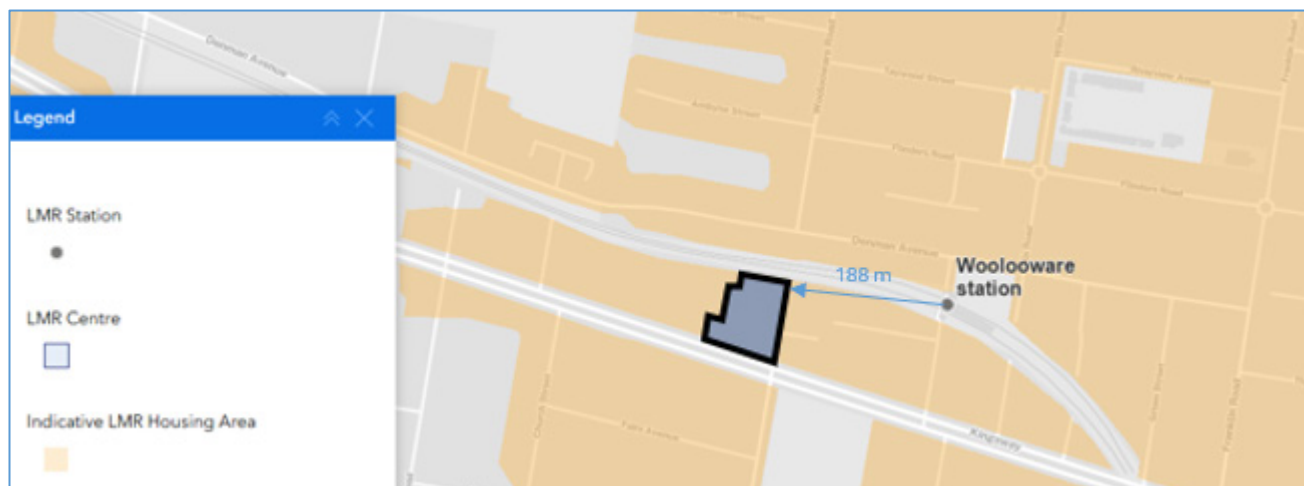
	detailed development assessment.	for projects that exceed \$50 million as per the planning systems SEPP clause 27.
<b>Chapter 3</b> <b>Part 4</b> <b>Build to Rent</b>	Clause 72 (2b) informs that land to which a site compatibility certificate has been issued applies where a minimum of 50 dwellings available for rent.	Establishes specific non-discretionary development standards for parking, design criteria under the ADG and time period of 15 years for rental components of the building.

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.

## 2.7 Application of the HSEPP to the site in Woollooware

The subject site at 149–157 Kingsway and 51–55A Woollooware Road, Woollooware is located within the Sutherland Shire local government area and is zoned R2 residential under the *Sutherland LEP 2015*. Within this zone, RFBs are prohibited. However, the site is clearly eligible for consideration under the HSEPP.



**Figure 1 Site location relevant to chapter 6 mapping**

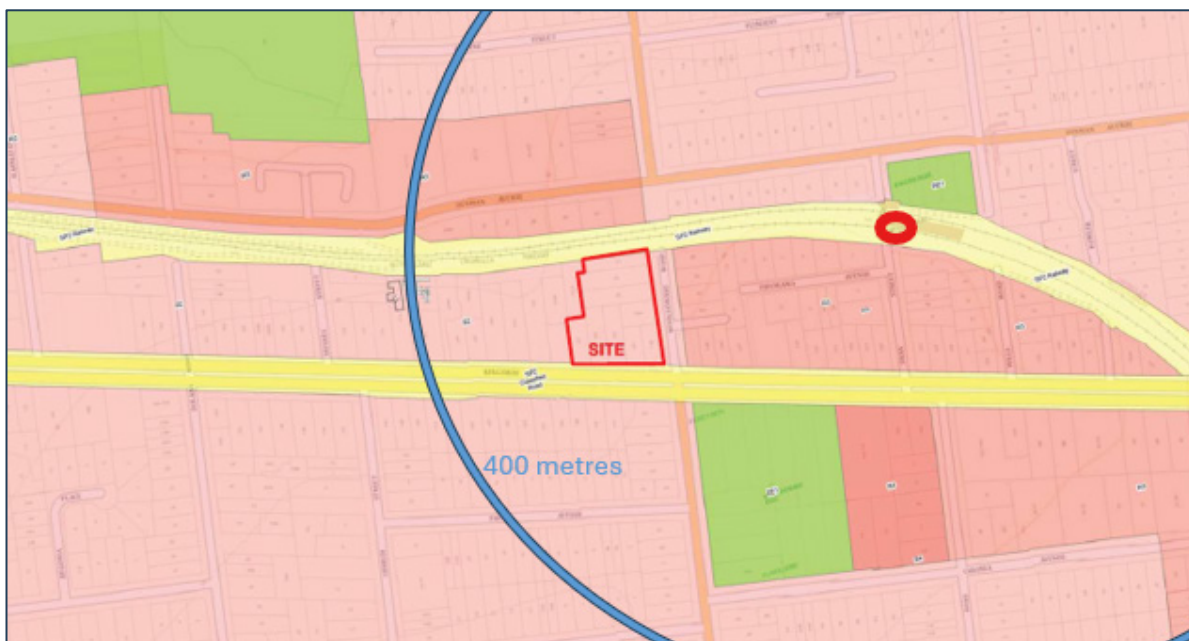
The Woollooware proposal aims to exceed the minimum requirement of 15 percent affordable housing, delivering more than 50 percent of dwellings as affordable housing, and is therefore eligible for the maximum available bonus under division 1 of chapter 6 of the HSEPP. In this case, clause 17 applies, providing a fixed uplift of 0.5:1 above the base 0.8:1 FSR, resulting in a maximum FSR of 1.3:1. Alternatively, clause 16 provides a 30 percent uplift to the base FSR where 15 percent of dwellings are affordable housing, but in this context would only yield an FSR of approximately

1.04:1. Neither provision facilitates the development of the concept scheme in a viable or socially sustainable manner.

As will be outlined in subsequent sections of this report, development within either of these envelopes is fundamentally misaligned with the objectives of the EP&A Act—particularly the objectives of enabling sustainable development that is both socially inclusive and economically efficient. Development under clause 16 or clause 17 would likely result in a conventional, low-rise apartment scheme targeting high-income buyers, as the sale prices would need to absorb fixed input costs, including land acquisition and rising construction costs. The limited yield would drive up the cost of individual dwellings, producing a more expensive housing product that fails to address local need and excludes low- and moderate-income households.

Ironically, the very incentive structure designed to encourage affordable housing delivery would, in this case, constrain its delivery by reinforcing a lower-density outcome that is economically unviable for affordable housing delivery. This highlights the structural limitations of the division 1 bonus provisions when applied to well-located but under-zoned land in a higher cost environment.

By contrast, the site is directly bordered to the north and east by R3 medium density residential zoned land, where since the implementation of chapter 6 of the HSEPP, significantly higher density controls apply, and where RFBs are permissible and are progressing to be established.



**Figure 2 land zoning SSLEP 2015 and distance showing R2, R3 and R4 land.**

It is instructive to compare the historical and current planning controls that apply to the subject site and the adjoining R3 zoned land in Woollooware. Figure 2 provides a helpful zoning plan and distance to assist with this explanation. Prior to the introduction of chapter 6 of the HSEPP, the differences between R2 and R3 zones in this locality were relatively minor. Both zones excluded RFBs, and while shop top housing was permissible in R3, the underlying residential land uses were otherwise consistent. Development standards under the SSLEP at that time were as follows:

**Table 6 R2 and R3 land use controls SSLEP 2015 and the percentage difference in development standards for FSR and height**

Zone	Pre–Chapter 6 FSR	Pre–Chapter 6 Height	Percentage difference
R2	0.55:1	8.5 m	–
R3	0.70:1	9.0 m	+27% FSR, +6% height

This reflects a relatively modest difference between zones, with the R3 zone allowing just 27 percent more FSR and 0.5 metres additional height compared to the R2 zone.

Following the introduction of chapter 6, the non-discretionary development standards have changed dramatically:

**Table 7 Land use controls chapter 6 and division 1 provisions applied to development standards for FSR and height**

Zone	Base FSR	Base Height	FSR with Clause 16 (30%)	Height with Clause 16 (30%)
R2	0.8:1	9.5 m	1.04:1	12.35 m
R3	2.2:1	24 m	2.86:1	31.2 m

This results in the following comparative uplift relative to the R2 provisions:

**Table 8 R3 v R2 comparison difference - absolute and percentage increase**

Metric	R3 vs R2 difference (absolute)	R3 vs R2 increase (%)
Base FSR	1.4:1	+175%
FSR with bonus	1.82:1	+175%
Base height	14.5 m	+153%
Height with bonus	18.85 m	+153%

The effect of these changes is stark. Under the current chapter 6 framework, R3 land benefits from a 175 percent higher FSR and a 153 percent taller height limit than the immediately adjacent R2-zoned site—despite the R2 site being located closer to Woollooware Station, better connected to public infrastructure, and surrounded by medium-density built form. The difference between R2 and R3 controls has shifted from a modest margin to a threefold disparity in development potential, driven entirely by zoning labels established decades ago and not reflective of actual urban conditions.



**Figure 3 Indicative heights in Woollooware chapter 6 and R2 and R3 zoning (subject site proposed)**

This highlights a fundamental limitation in the current policy framework: the application of zoning-based development standards, rather than infrastructure proximity or locational merit, results in a distorted and inefficient planning outcome. The subject site, which is demonstrably well-located and strategically aligned with housing objectives, is arbitrarily excluded from meaningful uplift simply because it falls on the wrong side of an outdated zone boundary.

While planning professionals and statutory authorities may focus on the technical distinctions between zoning categories and development standards, it is important to recognise that the average community member is unlikely to understand, or accept, why significantly higher density is permitted on land further from a railway station, while land that is closer to that same infrastructure remains constrained. If land located 300 to 400 metres from Woollooware Station is deemed appropriate for buildings of up to 24 metres in height and 2.2:1 FSR, (without incentive applied) it is difficult to justify why land within just 190 metres from the station—within the same urban setting and better connected—is limited to a third of that capacity. From a public perspective, such outcomes appear inconsistent with basic principles of accessibility and urban logic. This disconnect not only undermines community confidence in planning decisions but also points to the need for mechanisms like the SCC process to enable a more rational, merit-based assessment of site suitability beyond outdated zone boundaries.

In this context, the SCC mechanism under chapter 2, part 2, division 5 provides an essential corrective. It enables a strategic and merit-based assessment of compatibility that accounts for actual locational and policy context, rather than being bound to rigid historical zoning. The Woollooware proposal seeks to engage this process to unlock appropriate density for a socially inclusive housing outcome—an outcome that is more aligned with the public interest than what would be permitted under the social needs outdated current zone-based framework alone.

In aiming to ensure a viable social development outcome, the applicant is seeking to test the compatibility of applying the R3 density controls to the site under chapter 2, part 2, division 5 of the

HSEPP, not through a part 3 rezoning, but through a strategic planning mechanism designed specifically to assess compatibility and unlock housing opportunities on underutilised land.

The resulting built form, with an indicative study of FSR range from 2.2 and 2.73:1, reflects the desired urban character immediately surrounding the site to the north and east, and facilitates the delivery of a high-performing, inclusive housing model. Crucially, this additional density is not sought for speculative gain, but rather to deliver economic and social sustainability—allowing the project to fund affordable housing, SDA units, key worker rental stock and opportunities for first home buyers in a way that aligns with both state planning policy and the public interest. This application therefore presents a compelling case for the use of the SCC pathway to enable a form of development that would not otherwise be possible under the existing controls, but which we and the expert team supporting this application contend is entirely compatible with the surrounding urban fabric and planning intent.

### *2.7.1 Practical application of the HSEPP for this project*

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 within a very short distance to the entrance of Woollooware Railway Station, with a measured distance of approximately 190 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 RFBs on R2 and 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. Clause 17 of division 1 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.

- **Chapter 3, part 4 – Build-to-rent housing** applies to the proposed planning pathway, with the project to proceed as a state significant development BTR scheme following the SCC. These provisions establish the key parameters for build-to-rent developments, including minimum tenancy periods, management requirements, and ownership structure. Clause 3.36 provides flexibility in the application of certain development standards, including parking, where a development satisfies BTR eligibility. These provisions support the long-term rental model proposed for the site and reinforce the suitability of the development as a stable, well-managed and socially inclusive housing solution.

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 for the locality.
- 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 a state significant development assessment in a manner consistent with the HSEPP and clause 4.15 of the EP&A Act and the broader state planning objectives.



*Figure 4 Distance of site from Woollooware railway station – approx. 190 metres*

## 3 Site description and context

### 3.1 Site description

The subject site comprises one lot and is known legally as follows in Table 9:



**Table 9 Site description**

Address	Lot details	Area (m <sup>2</sup> )
<b>51 Woollooware Road</b>	Lot 18 in DP 666617	618.3
<b>53 Woollooware Road</b>	Lot 19 in DP 6620	928.9
<b>55 Woollooware Road</b>	Lot 20 in DP 6620	928.5
<b>55 A Woollooware Road</b>	Lot C in DP 404998	596.8
<b>149 The Kingsway</b>	Lot A in DP 404998	535
<b>151 The Kingsway</b>	Lot B in DP 404998	511.9
<b>153 The Kingsway</b>	Lot 3 in DP 6620	771.1
<b>155 The Kingsway</b>	Lot 4 in DP 6620	737.3
<b>157 The Kingsway</b>	Lot 51 in DP 562006	600.2
<b>Total</b>		<b>6227</b>

### 3.2 Site location and dimensions

The subject site is located at the corner of Woollooware Road and Kingsway, Woollooware, within the Sutherland Shire local government area. The site is approximately 190 metres walking distance from Woollooware railway station, on the T4 Eastern Suburbs and Illawarra Line, and is situated within a highly accessible residential and transport corridor.

The site comprises an amalgamated landholding made up of 149–157 Kingsway and 51–55A Woollooware Road. It has a total area of approximately 6,227 square metres and is irregular in shape, though generally rectangular. The site boundaries are as follows:

- Frontage to Kingsway (south): 76.99 metres
- Frontage to Woollooware Road (east): 98.60 metres
- Northern interface to the railway corridor: 54.90 metres, with an additional 6.10 metre jog and 9.62 metre return boundary
- Western boundary: 38.41 metres plus a secondary 15.24 metre boundary to 157 Kingsway
- Diagonal internal western boundary: 37.12 metres

The site excludes 157A Kingsway, and access to the western portion of the site will be provided via an easement adjoining the rail corridor. The land has a gentle cross fall of approximately one storey from the south-east to the north-west corner.

The site is currently occupied by single storey detached dwellings and associated structures, many of which are aged and approaching the end of their economic life. The buildings on-site will require significant renovation or eventual redevelopment, making the land well suited for coordinated urban renewal.



**Figure 5 Site location and dimensions**

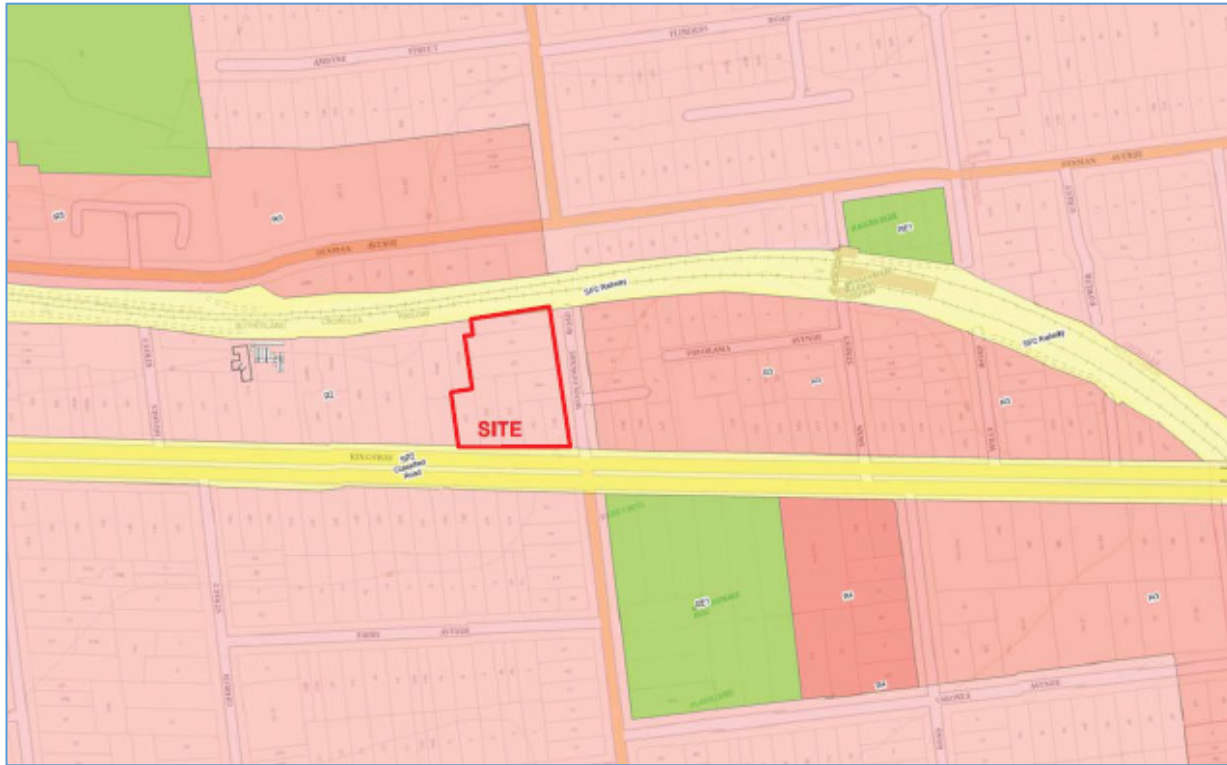
### 3.3 Zoning context

The site is zoned R2 low density residential under the SSLEP. RFBs are prohibited in this zone under the standard land use table. However, under chapter 6 of the HSEPP, RFBs may be considered on R2 land where prescribed locational and design criteria are met, including proximity to transport.

Land immediately to the north and east of the site is zoned R3 medium density residential, where RFBs are also not permitted with consent. This R3-zoned land extends along Woollooware Road and across the railway line to the north-east. To the south of the site, land on the opposite side of Kingsway is zoned R4 high density residential and is developed with RFBs up to three and four

storeys in height. To the west, land remains zoned R2 but exhibits signs of gradual transition, including dual occupancies and townhouses.

This zoning pattern reflects historical planning boundaries that do not account for the site's proximity to public transport, the current social need for housing delivery or its strategic location within a transitioning urban environment.



**Figure 6 Zoning map SSLEP 2015**

### 3.4 Urban environment and infrastructure context

The site is located within an established residential precinct that is well serviced by transport, community infrastructure, and public open space. It lies within the 400 metre inner core catchment of Woollooware railway station, as shown in Figure 6, and is centrally positioned between the outer cores of Caringbah and Cronulla stations. The area is subject to ongoing urban renewal and is supported by a broader intensification strategy centred around major transport corridors and district centres.

The site is highly accessible. Kingsway is a six-lane regional road that connects Cronulla and Sutherland to the Princes Highway (A1), providing direct vehicle access to key employment and service centres. Woollooware Road is a dual-lane local street that terminates at the railway corridor and intersects with Kingsway at a signalised intersection.

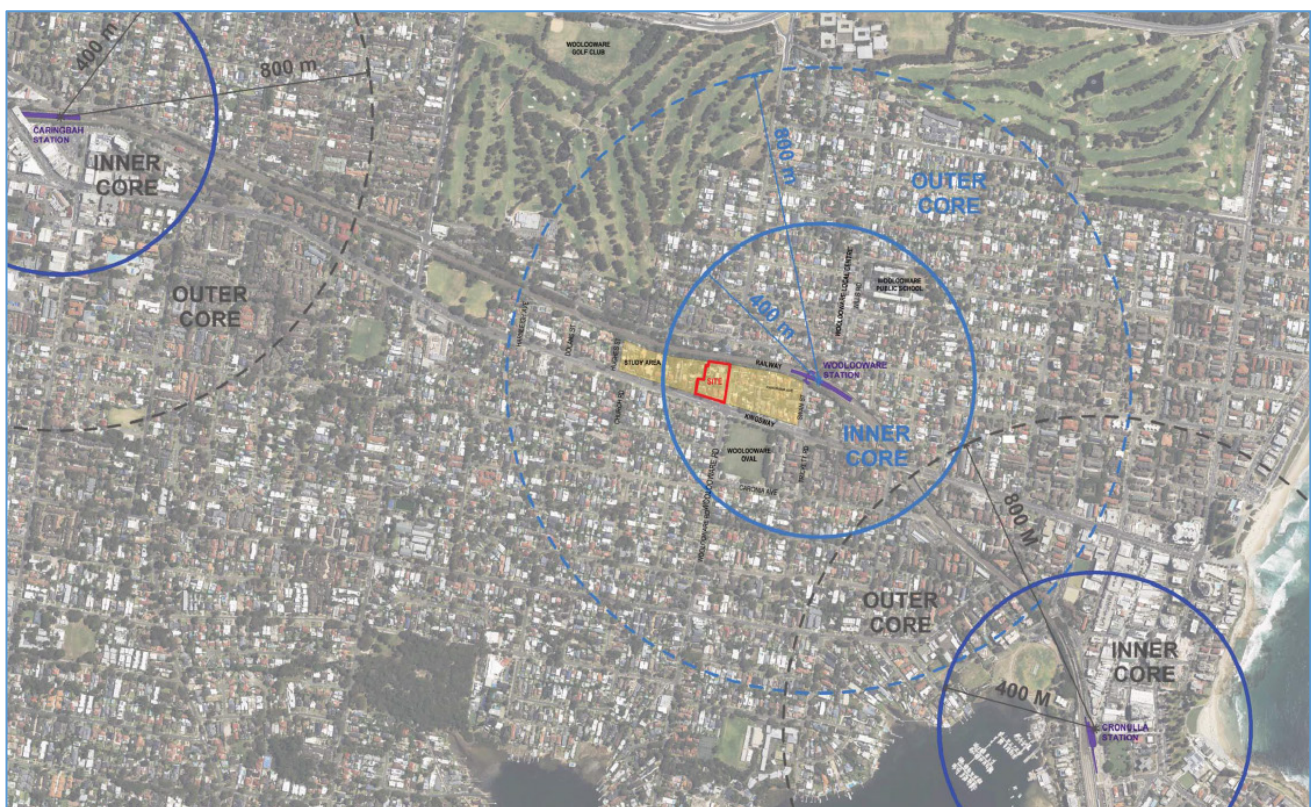
Public transport access is a key advantage of the site. It is located approximately 190 metres from Woollooware station on the T4 Illawarra line, providing direct services to Cronulla, Hurstville and the Sydney CBD. Cronulla town centre, which is one station stop or a short bus trip away, provides a wide range of employment, retail, hospitality, health and community services.



The site is also located in close proximity to Woollooware Bay shopping centre, located approximately 1 kilometre to the south-west. This centre includes a major supermarket, medical facilities, childcare, cafés and convenience retail, and forms part of a wider mixed-use development precinct including the Cronulla Sharks leagues club, stadium and residential apartments. The facilities at Woollooware Bay complement the broader catchment and provide walkable or short-cycle access to essential day-to-day services.

To the south-east of the site, diagonally opposite, is Woollooware Oval—a 1.8 hectare open space reserve providing a mix of active and passive recreational opportunities. The area is also well connected to district and regional open space networks, including the coastline and foreshore areas of Port Hacking.

The site's elevated position provides expansive outlooks to the north over the Georges River, to the north-east towards Botany Bay and Sydney city, east to Cronulla, and south towards Port Hacking. Its configuration, size, and proximity to key infrastructure support its suitability for mid-rise redevelopment under the HSEPP, including a mixed-tenure affordable housing model consistent with the surrounding pattern of gradual and required renewal.



**Figure 7 Site context**

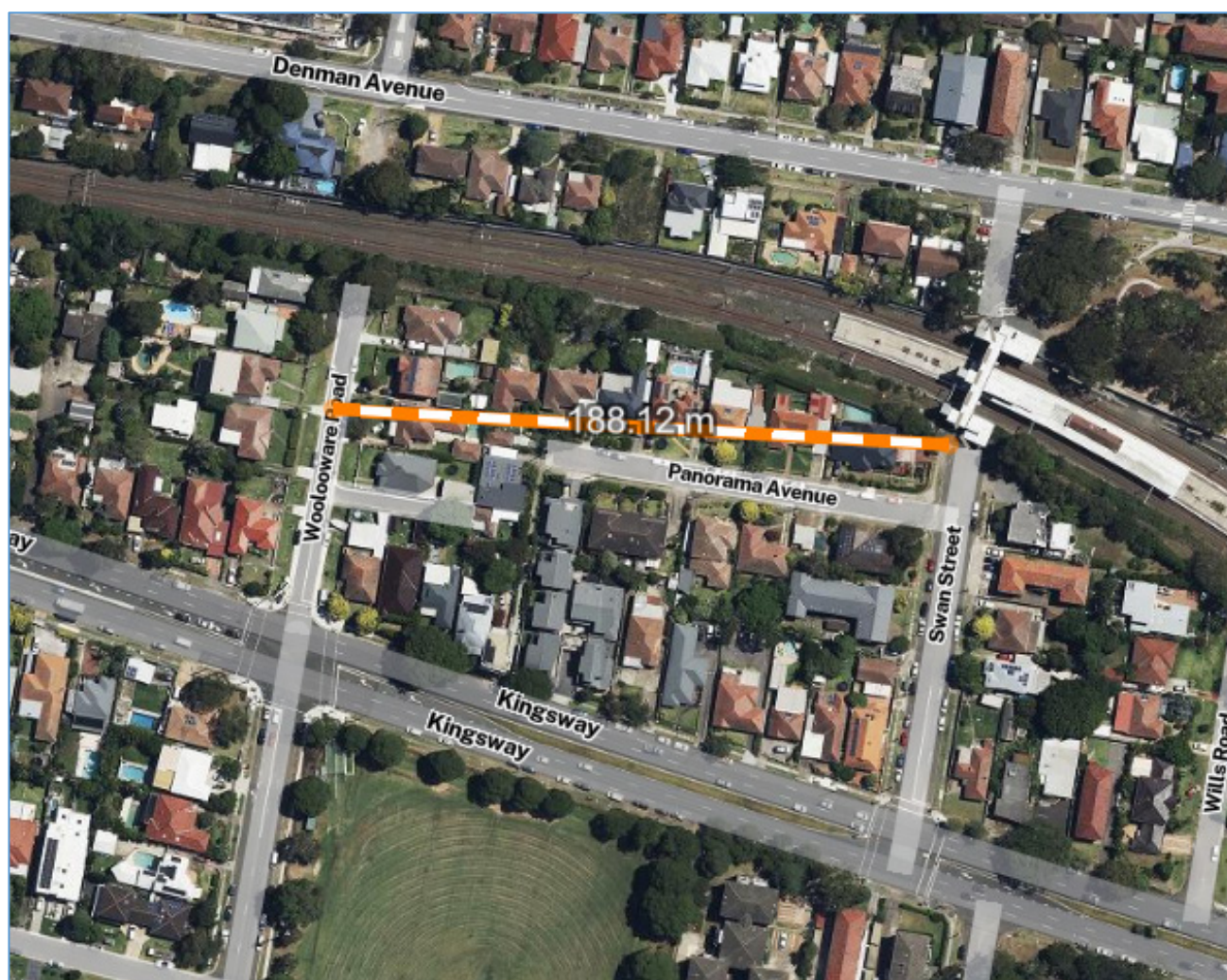
### 3.4.1 Pedestrian access to Woollooware Station

Figures 9 and 10 illustrate the walking route from the site to Woollooware railway station. The route follows an informal but well-established pedestrian desire line from within the site boundary to Woollooware Road, connecting from The Kingsway through a short link path to Panorama Avenue. From there, pedestrians continue east along Panorama Avenue to Swan Street, where the main station entrance is located.



This route is level, unobstructed, and easily navigable. The total walking distance from the site to the station entrance is approximately 282 metres when following formal footpaths around the block. Figures 11 to 14 provide photographic evidence of the walk, showing the direct link through the site and the flat, safe, and walkable environment along Panorama Avenue.

Woollooware Station is part of the T4 Eastern Suburbs and Illawarra Line and is serviced by frequent, high-capacity trains throughout the day. The line is among the highest-frequency suburban services in the Sydney Trains network, with peak services operating at approximately 10-minute intervals. This reinforces the site's strong locational performance under chapter 6 of the HSEPP and supports its suitability for increased residential density and affordable housing.

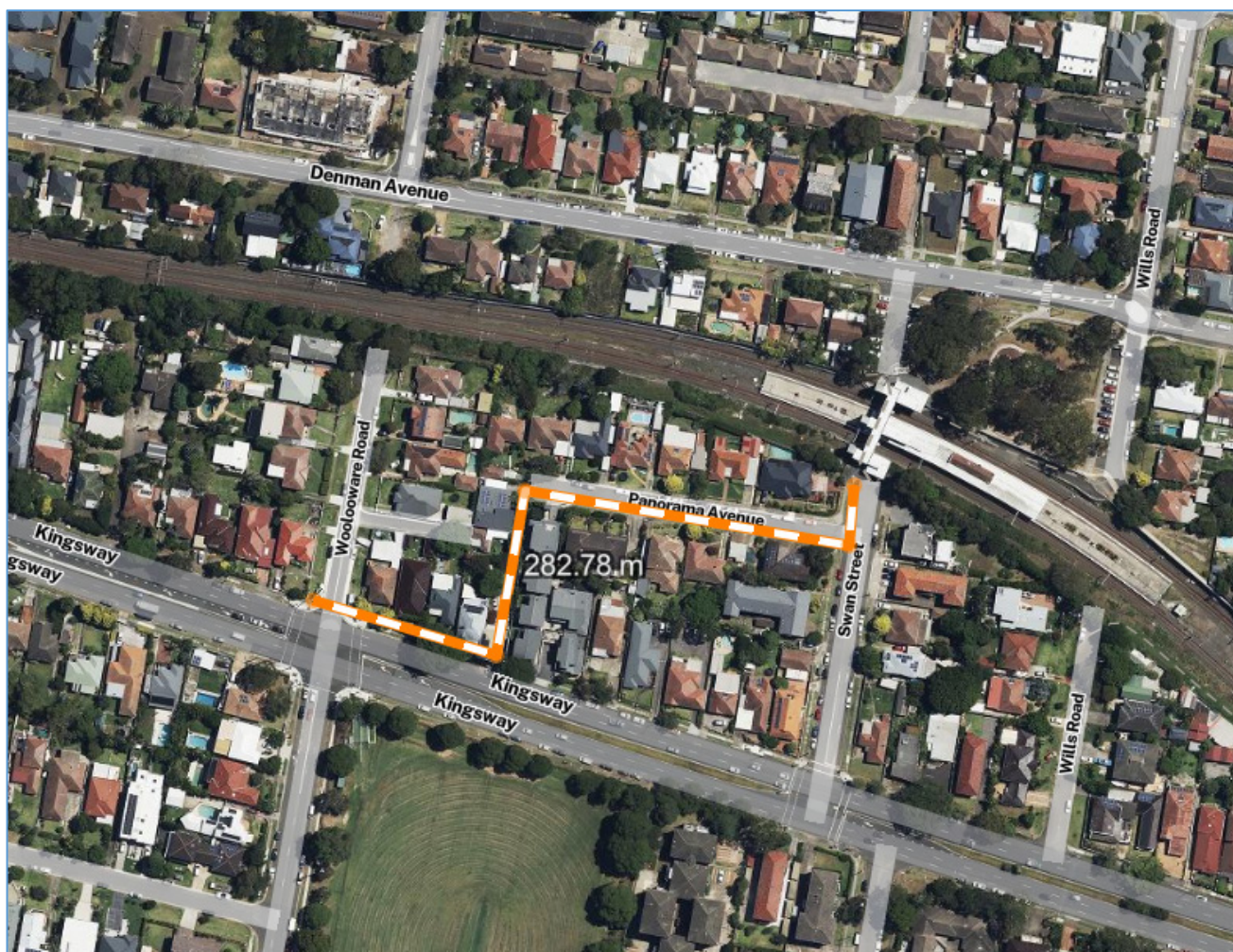


**Figure 8 Distance from Woollooware railway station entrance**





**Figure 9 Subject site within context of Woollooware Road and The Kingsway intersection**

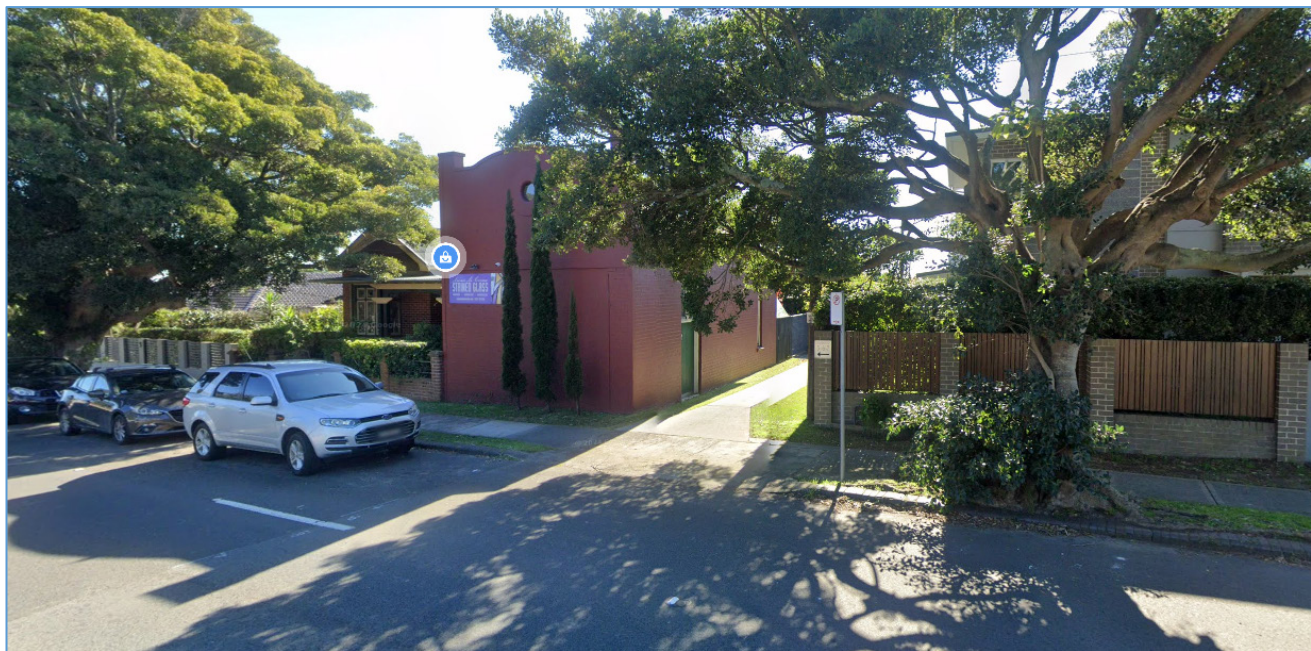


**Figure 10 Existing walking route to Woollooware railway station**





**Figure 11** The Kingsway intersection facing east.



**Figure 12** Through site link walkway to Panorama Avenue from The Kingsway





*Figure 13 Opposite end of through site link walkway Panorama Avenue*



*Figure 14 Panorama Avenue connection to Woollooware rail station*





*Figure 15 Older residential apartment developments on south side of The Kingsway*

## 4 Description of the proposal

This section of the report provides a detailed description of the development proposal in support of the application for a SCC. The proposal is a residential flat building (RFB) with basement car parking, a community centre, through site link, a communal park and landscaping that will facilitate approximately 200 dwellings, of which 50% of the accommodation will be used for the purpose of affordable housing. The RFB proposal is for a mixed height scheme of 7 , 9 and 10 level RFB in a inner core strategic location in close proximity to the Woollooware railway station.

### 4.1 Development overview

An overview of the development proposal is included in Table 10 below:

*Table 9 Development overview*

Address	149–157 Kingsway and 51–55A Woollooware Road, Woollooware
Site Description	Multiple lots (Lots A and B in DP 404998; Lots 3 and 4 in DP 6620; Lot 51 in DP 562006; Lot 18 in DP 666617; Lots 19 and 20 in DP 6620; Lot C in DP 404998)
Area	6,227 m <sup>2</sup>
CHP	Pacific Community Housing, in partnership with Civic Disability Services Ltd (Cawarra Housing).
LGA	Sutherland Shire Council
Zoning	R2 Low Density Residential

<b>Permissibility</b>	The site is zoned R2 Low Density Residential under the Sutherland Shire LEP 2015. Residential flat buildings are prohibited in this zone. Therefore, chapter 2, part 2, division 5 of the HSEPP 2021 applies.
<b>Development Description</b>	The application seeks a site compatibility certificate delivered under division 5 of the HSEPP 2021 to support the future development of the site for a mid-rise residential flat building. The proposal will deliver approximately 200 dwellings across two buildings of up to 7, 9 and 10 storeys. At least 50% of the dwellings will be designated as affordable housing, including specialist disability accommodation, key worker rental housing managed by a registered CHP. The remaining market housing will include first home buyer housing, higher value apartments and market rental apartments. The proposal also includes a community centre, associated open space and significant landscaping.

## 4.2 Development context

The subject site at 149–157 Kingsway and 51–55A Woollooware Road, Woollooware is located within 190 metres 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 residential flat building development with 50% of dwellings designated as affordable housing, managed by two locally registered CHPs one being a local charity within excess of 60 years' experience in delivering local housing, employment and support services to disabled and disadvantaged residents. The site's location within 190 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 to support the inclusionary principles of affordable housing delivery, allowing value uplift to be captured and reinvested into long-term affordable housing delivery without substantial reliance on public subsidy or levies.

The current proposal builds on a previously modelled schemes presented to the department during the low to mid rise consultation process. The scheme also benefits from engagement with council assessment officers.

### 4.3 Development overview

The proposed development involves the demolition of existing single-storey dwellings and clearance of the site, followed by the construction of a mid-rise residential development comprising a building of up to seven, nine and ten storeys. The development will deliver approximately 200 apartments, with a minimum of 50 % of the dwellings to be provided as affordable housing. The affordable component will include specialist disability accommodation (SDA), social housing, and key worker rental dwellings managed by a registered CHPs. The proposal also includes a new community centre, communal open space, basement car parking, and associated landscape works.

The concept design has been prepared by Stanisis Architects and is detailed in the urban design study (Appendix B) and the architectural reference scheme concept package (Appendix C). The proposal reflects the application of the planning framework under the HSEPP, including chapter 6 (standard development controls), division 1 (infill affordable housing), and chapter 2, part 2, division 5 (site compatibility certificates). The project has been designed to respond to the desired

future character identified in chapter 6 and schedule 11, with the site located in the inner core walkable catchment of Woollooware Station.

The scheme incorporates a series of design strategies to support high-quality public domain outcomes and integration with the surrounding neighbourhood that is in a process of transition. These include significant building setbacks to Woollooware Road and The Kingsway, the retention of existing street trees where possible, and the incorporation of the active transport network along The Kingsway, consistent with council’s adopted movement and place framework. The landscape and urban design approach seeks to enhance pedestrian comfort, visual amenity, and safety along key frontages.

A key feature of the proposal is the creation of a new publicly accessible open space area and pedestrian link through the site, connecting Woollooware Road to the new community centre located at ground level. This space is intended to function as a neighbourhood gathering place, supporting integration between future residents, community centre users, and the wider public. The open space will be activated by community-facing uses, landscaping and a connected pathway network.

The proposal also includes a future connection point at the northern end of Woollooware Road, enabling a logical continuation of the street network and providing future access opportunities to facilitate the orderly redevelopment of adjoining land parcels. This integrated structure plan approach supports longer-term urban renewal and improves connectivity and permeability across the precinct.

The development responds to its strategic context, built form character, and public domain setting, and has been carefully designed to deliver a high-quality, inclusive housing outcome aligned with the policy intent of the HSEPP.

**Table 10 Development controls HSEPP and project alignment**

Control	HSEPP Standard	Proposed by Project
<b>Zoning</b>	R2 low density residential under LEP	R2 zone subject to HSEPP; residential flat building prohibited under LEP and applying the adjacent R3 development controls to enable meritorious density increase to support social benefit.
<b>Permissibility (RFBs)</b>	Prohibited under LEP	Permitted under chapter 2, part 2, division 5 (site compatibility pathway) and chapter 6 of the SEPP
<b>Applicable HSEPP provisions</b>	Chapter 6 (standard development), division 1 (infill affordable housing), division 5 (SCC), and chapter 3, part 4 (build-to-rent)	All four provisions apply concurrently and inform future SSD pathway.





<b>Maximum building height (chapter 6)</b>	9.5 metres (R2 zone) base control; up to 30% bonus available under division 1 if criteria met	Up to 31.2 metres proposed; justified through compatibility under division 5.
<b>Floor space ratio (chapter 6 + division 1)</b>	0.8:1 base in R2; up to 1.3:1 with division 1 clauses 16–17 (if 50% AH provided)	2.73:1 proposed; benchmarked to adjoining R3-compatible outcomes (2.86:1) and justified under compatibility pathway
<b>Affordable housing bonus (division 1)</b>	Clause 16 allows up to 30% bonus FSR for 15% AH; clause 17 allows 0.5:1 bonus if 50% AH provided	Minimum 50% of dwellings as affordable housing 15 years – possible as much as 30% will be for 25 years+.
<b>Eligibility for SCC (division 5)</b>	SCC permitted if RFB is prohibited under LEP, site is within 800m of station, 50% AH provided, and CHP involved	Complies: site is within 190 m of station, RFB prohibited in R2 zone, 50% affordable housing, with registered CHP
<b>Minimum site width (chapter 6)</b>	Minimum 20 metres required in inner core housing areas	98 metres provided: compliant
<b>Minimum site area (division 5)</b>	No minimum site area specified under division 5	6,227 m <sup>2</sup> total site area; compliant
<b>Deep soil zone requirement (chapter 6)</b>	Minimum 15% of site area	30% deep soil provided; exceeds minimum
<b>Landscaped area requirement (chapter 6)</b>	7% deep soil and tree canopy.	> 30% provided deep soil; exceeds the minimum requirement
<b>Car parking requirement – residential (division 5)</b>	No residential parking required under clause 38(4) however as BTR chapter 3 part 4 – clause 74 minimum 0.2 spaces per dwelling.	Parking proposed for residents and visitors aim to implement active transport and green travel, compliant and consistent with active transport objectives.
<b>Car parking requirement – community centre</b>	Not specified in SEPP; determined at DA stage	120 m <sup>2</sup> community space proposed; parking provision to be confirmed
<b>Active ground floor use</b>	Community centre link to public open space.	Community centre use proposed and permitted in the zone and is ancillary to the scheme.

<b>Future BTR pathway (chapter 3, part 4)</b>	Permitted under HSEPP and the PSEPP for SSD-scale projects meeting BTR requirements	Project intended to proceed as SSD with BTR component under chapter 3, part 4 of HSEPP and clause 27 of the PSSEPP.
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The development seeks to achieve the following outcomes:

- A maximum building height of 31.2m metres, consistent with the non-discretionary height limit of 31.2 metres under division 1 of the SEPP (24m × 130%), for the R3 zone incorporating a rooftop communal room and landscaped terraces.
- A maximum FSR of 2.73:1, which is lower than and is compatible with the allowable FSR for shop-top housing in the inner core (2.2:1 × 130%) under division 1 in the R3 zone of 2.86:1.
- 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.
- Specific apartments designed to enable in house carer as maybe required for various disability housing typologies.
- 50% of the apartments to be provided as affordable housing, managed by PCH and Waratah registered CHPs, and secured under clause 40 of the HSEPP for a minimum of 15 years. Sections of the scheme may also seek to apply a longer term hold of the affordable components for a period of 25 years subject to Commonwealth funding.
- A ground floor community centre of approximately 120m<sup>2</sup> fronting the new public open space and entrance from Woollooware Road, proposed to operate as a community-serving use to promote activity and social connection.
- Provision of residential car parking in line with the HSEPP provisions for BTR housing, in accordance with clause 74, car parking will be provided for the community centre use. Additional on-site infrastructure includes numerous bicycle spaces, 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 spaces 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.

## 4.4 Development and design principles

### 4.4.1 Integration of design quality through architectural expertise

The architectural design of the proposed development at Woollooware Road, Woollooware has been led by Stanisic Architects, a practice with over three decades of experience in delivering socially responsive and climatically adaptive residential developments across metropolitan

Sydney<sup>12</sup>. Under the leadership of Frank Stanisic, the firm has developed a reputation for integrating high urban design standards with sustainability, affordability, and community wellbeing.



**Figure 16 ETON at Zetland by Stanisic Architects (source ArchDaily)<sup>13</sup>**

Stanisic 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.

These principles are evident in award-winning developments such as the *Imperial* in Hurstville<sup>14</sup>, which received the 2018 Australian Institute of Architects Architecture Award for Multiple Housing,

<sup>12</sup> Stanisic Architects. *About Us*. <https://www.stanisicarchitects.com.au/about-us>

<sup>13</sup> <https://www.archdaily.com/805997/eton-stanisic-architects>

<sup>14</sup> Stanisic Architects. *Imperial Hurstville*. <https://www.stanisicarchitects.com.au/my-projects/imperial-hurstville>

and the *Edo* project, which was honoured with the national AIA Frederick Romberg Award<sup>15</sup> and the inaugural AIA Aaron Bolot Award in 2008<sup>16</sup>. Additional award-winning developments such as the Montgomery project in Kogarah<sup>17</sup> and Edmondson Park<sup>18</sup>, 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.

The multi-unit project in Zetalnd (Figure 16) aka ‘Eton’, is stage 2 of the Emerald Park masterplan of the former Email industrial site that is situated on the western side of Joynton Avenue, between O’Dea Avenue and McPherson Lane. The central communal courtyard is a calm and serene space that provides outlook from apartments, sociability and cross-site pedestrian pathways, complementing the magnificent and iconic fig trees on Joynton Avenue and the generous, project-funded public park - an expansion of Mary O’Brien Reserve at the south end of the site.

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. Stanisic’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.

#### 4.4.2 Built form, scale and design principles

The proposal has been prepared by Stanisic Architects in collaboration with landscape and planning consultants and draws on local character, public domain opportunities, and housing delivery objectives to shape a cohesive and context-sensitive outcome.

The proposed development responds to the site’s transitional urban context and strategic location (Figure 17) by applying a contemporary mid-rise built form that balances increased density with strong place-based urban design principles.

The design of the proposal reflects a context-responsive, principle-led approach that balances increased density with a sensitive urban interface. The built form strategy by Stanisic Architects is based on a strong analysis of the site’s strategic context, topography, surrounding zoning, and the applicable planning framework under the HSEPP to ensure a strong response to environmental sustainability and compatibility to the surrounding land. The resulting scheme is not only compatible with its surroundings but sets a high-quality precedent for future mid-rise housing in well-located, transitioning areas.

#### 4.4.3 Design methodology and urban integration

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<sup>15</sup> Australian Institute of Architects, "Frederick Romberg Award for Residential Architecture – Multiple Housing," *Architecture Australia*, November 2008

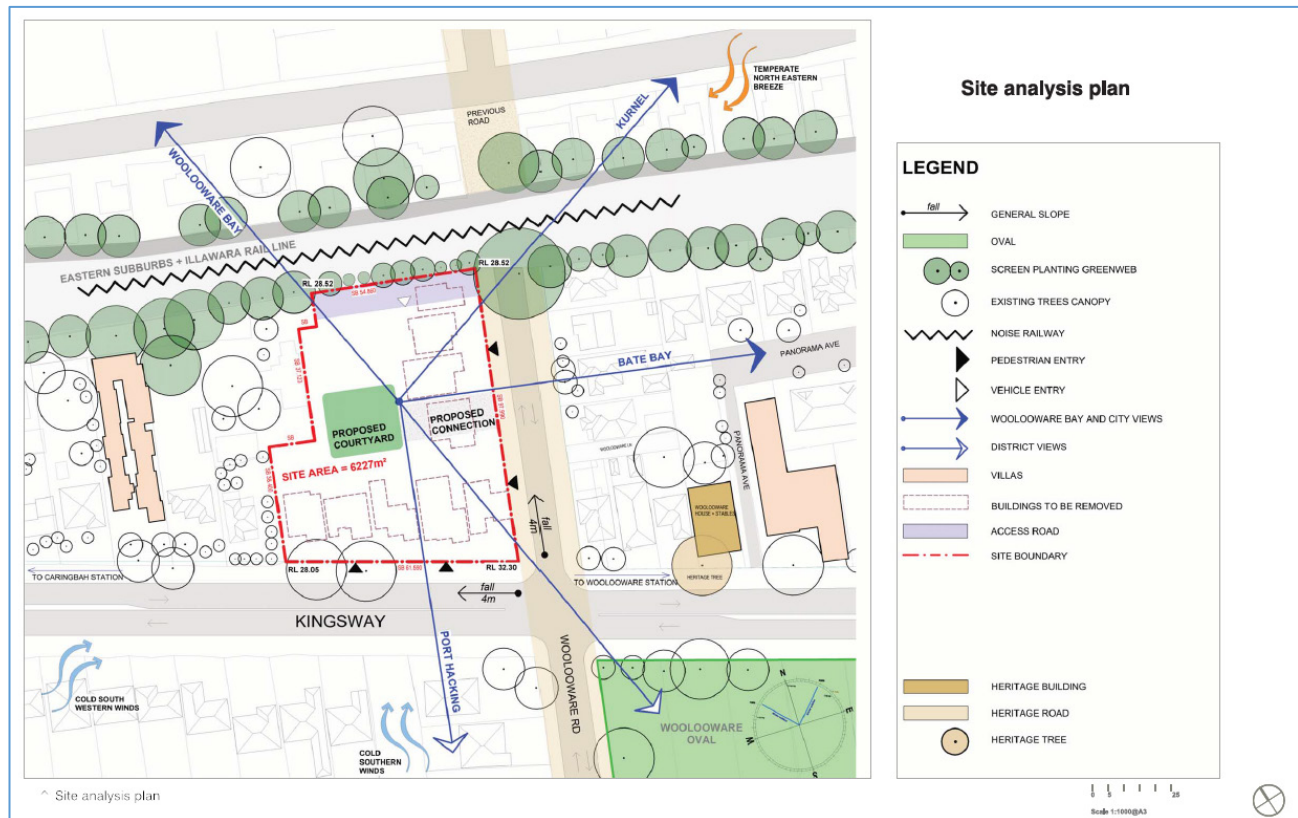
<sup>16</sup> Australian Institute of Architects, "Aaron Bolot Award for Residential Architecture – Multiple Housing," 2008.

<sup>17</sup> Stanisic Architects. *Montgomery, Kogarah*. <https://www.stanisicarchitects.com.au/montgomery>

<sup>18</sup> Stanisic Architects. *Edmondson Park*. <https://www.stanisicarchitects.com.au/edmondson-park>



Figures 18 – 22 taken from the urban design report sets out six guiding urban design principles that inform the proposed built form. These principles collectively support a layered and thoughtful response to the site's context and the expectations of chapter 6 and division 5 of the HSEPP and the objectives of the Act and the SSLEP.



**Figure 17 Site analysis plan**

The built form strategy reflects a deliberate move away from speculative yield maximisation and instead focuses on public benefit, open space, and a fine-grain transition in scale. The approach is grounded in six urban design pillars to ensure compatibility:

### Urban design principles

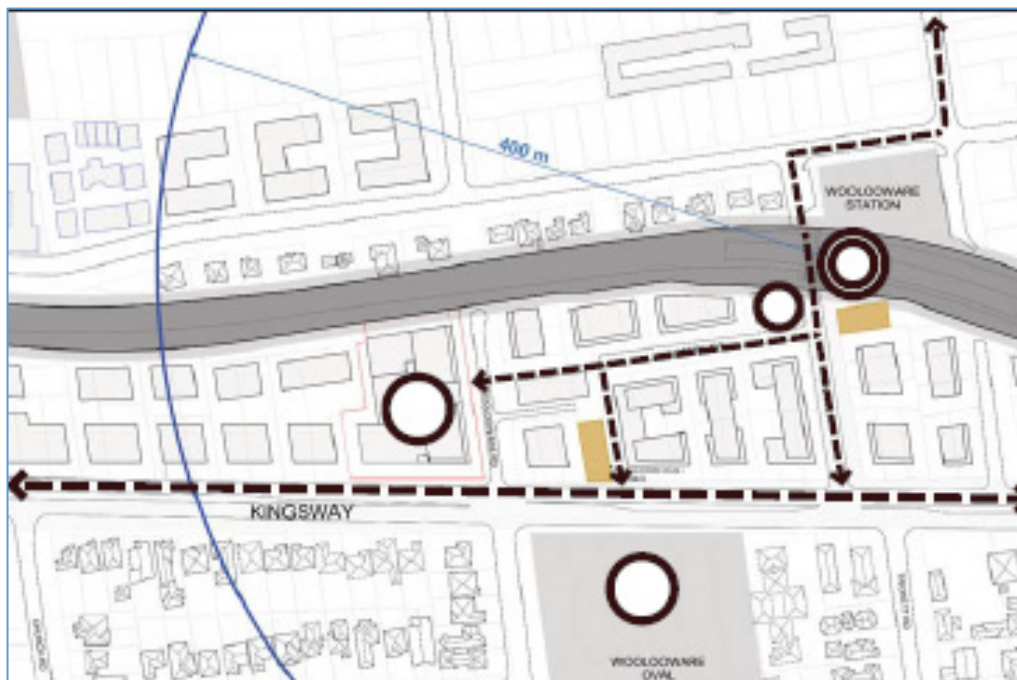
- 1. Reinforce the Kingsway as an avenue.** *Reinstate significant avenue tree planting supported by a generous front setback zone along the Kingsway.*

The first principle, reinforce The Kingsway as an avenue, is expressed through the generous front setback provided to The Kingsway, allowing for the retention of existing mature street trees and space for additional avenue planting aligned to the heritage connection intent of council. This landscape buffer strengthens the green character of the precinct and allows the development to recede visually from the regional road. The consistent street setback also supports integration of an active transport corridor and footpath improvements along Kingsway, enhancing the site's interface with the public domain.



**Figure 18 Design principle 1 reinforce The Kingsway as an Avenue**

2. **Enhance movement network and nodes.** Consider pedestrian movement and the contribution of key sites to enhance the pedestrian experience. Create pedestrian pathways on key desire lines to Woollooware Station.



**Figure 19 Design principle 2 networks and nodes**

The second principle, enhance movement network and nodes, is addressed through the proposal's strategic internal linkages and desire line connections to Woollooware Station. A new public access way through the site and if continued in future precinct development provides a direct and legible



path to Panorama Avenue, facilitating a flat, universally accessible walking route to the station. This is complemented by the proposed community centre and open space, which function as a movement node, arrival point and social anchor within the development. Figures 11 to 14 in this report illustrate the practical pedestrian path and the ease of movement through and around the site.

3. **Built form to define Kingsway and Woollooware Road.** *Locate taller building forms on Kingsway and Woollooware Road with street-defining buildings to achieve the future character envisaged by SEPP Housing 2021.*

The third principle, **built form to define Kingsway and Woollooware Road**, is achieved through the placement of taller building elements fronting both street frontages. These elements create a strong urban edge and define the public realm, while upper-level setbacks and articulated façades ensure a human-scaled interface. The street walls are not continuous; they are carefully modulated with breaks in massing, recessed entries, and layered landscaping to reduce visual bulk.



**Figure 20 Design principle 3 define street edges**

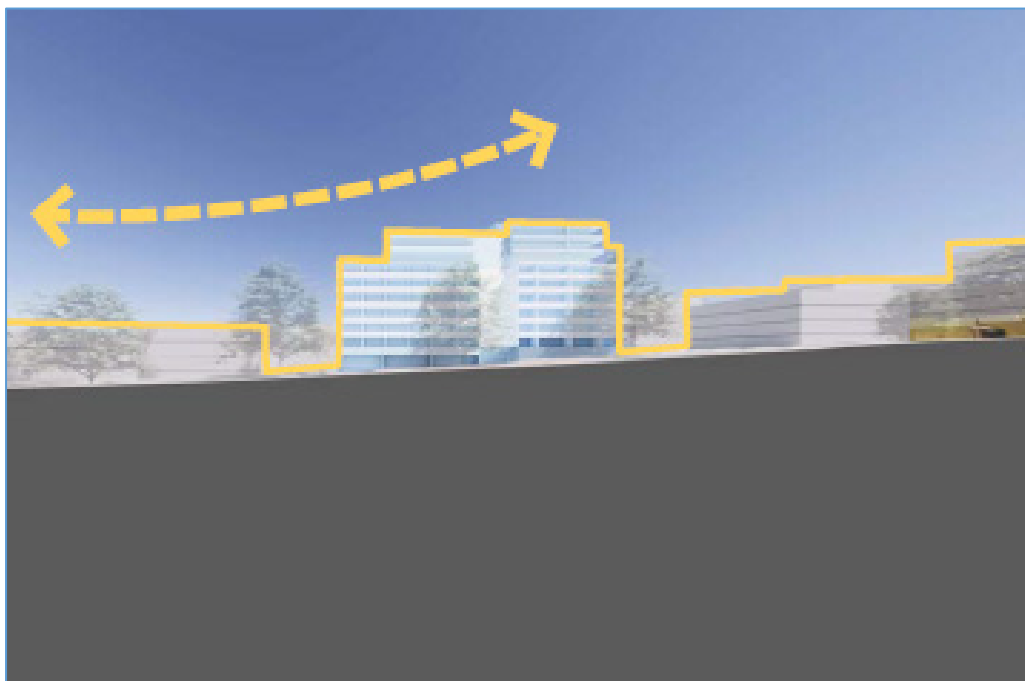
4. **Extend green web along railway.** *Locate deep soil along the railway line to supplement existing STIFF tree planting to extend the green web.*

The fourth principle, extend the green web along the railway, informs the proposal's landscape and ecological strategy. Deep soil zones are concentrated along the northern boundary to align with existing STIFF (Strategic Tree Infrastructure Forest Framework) plantings adjacent to the rail corridor. This supports long-term canopy growth, ecological continuity and contributes to the broader landscape network across Woollooware.



**Figure 21 Design principle 4 extend the green web**

5. **Transition built forms from inner core to outer core areas.** Transition the scale of built forms from mid-rise to low-rise housing. Consider the various development scenarios available under HSEPP for the future context.

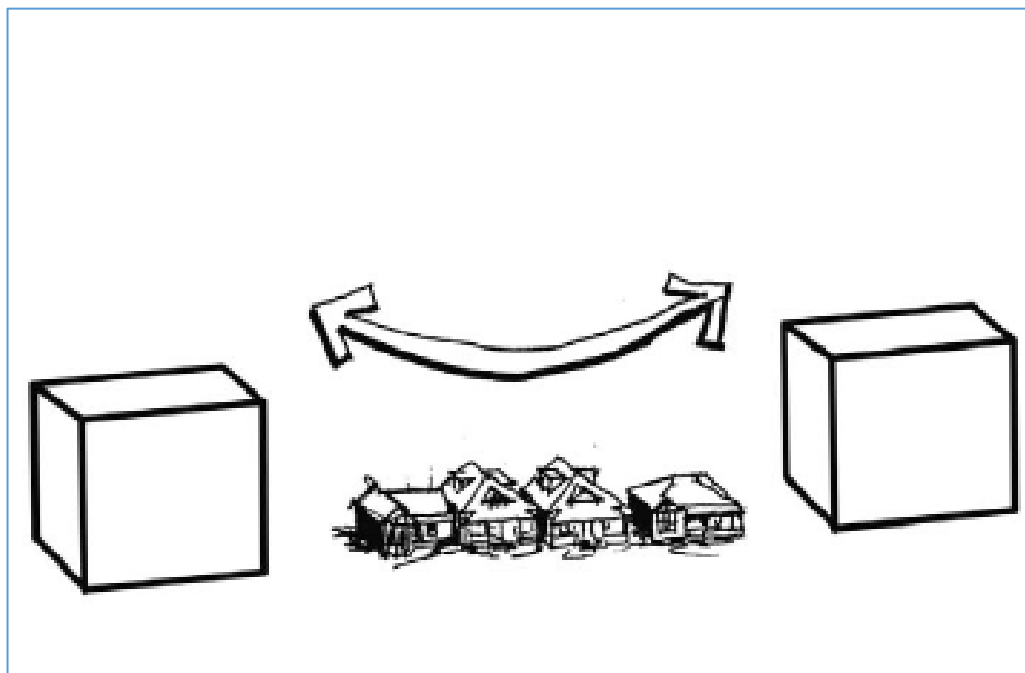


**Figure 22 Design principle 5 transition of built forms**

The fifth principle, transition built form from inner core to outer core areas, underpins the massing strategy across the site. While the tallest built elements are located adjacent to the station and rail line, the buildings step down in height and scale toward the western edge, where detached housing

remains currently but is proposed to be subject to urban renewal. This modulation ensures a compatible interface with existing low-rise development and reflects the intended character transition outlined in chapter 6 of the HSEPP for inner core areas.

6. **Respect heritage items.** Develop built form controls to ensure the heritage significance of Woollooware Road, remaining landscape, and heritage items is strengthened.



**Figure 23 Design principle 6 respect local heritage**

The sixth principle, respect heritage items, is addressed through a considered streetscape design along Woollooware Road, which retains the garden character of the precinct and the established rhythm of landscaping and front setbacks. The setbacks from The Kingsway also provide the opportunity for the planting Port Jackson Figs to replicate the heritage listed specimens on that road way. While there are no heritage-listed items on the site, the design ensures the broader heritage character of Woollooware Road is not disrupted. This is achieved through a restrained palette of materials, consistent street setbacks, and generous planting that maintains visual continuity along the street.

#### 4.4.4 Built form testing and evaluation framework

To determine the most appropriate built form outcome for the site, the project team undertook a structured testing process of four distinct built form scenarios. Each scenario was designed to explore a different planning pathway and floor space ratio, ranging from a low-rise model within the current R2 planning controls, through to the maximum theoretical density permissible under the HSEPP's division 1 incentives. A preferred mid-rise scheme—calibrated at 2.73:1 FSR—was also tested as a balanced and policy-aligned outcome.

This process was undertaken to ensure that the proposal is not only feasible, but also compatible with surrounding land uses. Compatibility in this context includes not just visual or physical integration, but also performance across housing outcomes, infrastructure capacity, built form transition, and the achievement of public benefit.

Each scenario has been assessed against the following evaluation criteria:

- Urban design performance, with reference to the six principles outlined in the Urban Design Report and listed under section 4.4.2.
- Compatibility with surrounding land uses, in accordance with clause 39 of division 5 of the HSEPP.
- Alignment with the objectives of section 1.3 of the EP&A Act, including ecologically sustainable development, equity in access to housing, and orderly and economic use of land.
- Consistency with the Ministerial Directions on Housing Delivery 2024, particularly the imperative to unlock well-located housing, optimise existing urban infrastructure, and support the delivery capacity of CHPs.

This section of the report presents a detailed evaluation of each of the four tested built form scenarios—designated as Scenarios A to D—alongside a justification of the preferred scheme and its strategic planning merit.

#### 4.4.4.1 Scenario A – 1.04:1 FSR (four-storey scheme)

##### Overview

This scenario reflects the maximum permissible density under clause 16 of division 1 of the HSEPP. It applies a 30% bonus to the R2 base FSR of 0.8:1, resulting in a total of 1.04:1 FSR across the 6,227 m<sup>2</sup> site. The associated height of 12.35 metres is derived from applying a 30% bonus to the SEPP's 9.5 metre height standard for R2 land. This scenario yields a four-storey residential flat building form, delivering 6,476 m<sup>2</sup> of GFA.

While technically compliant with incentive provisions under division 1, this scenario fails to meet the overarching intent of the HSEPP, objectives of the Act focused on social benefits delivery and performs poorly against the urban design and sustainability objectives guiding the project.

##### Urban design and built form performance

From an urban design standpoint, the 1.04:1 scheme represents an underdevelopment of a large, well-located site to Woollooware Station. The lower building height results in a flattened built form that lacks articulation and presence on Kingsway and Woollooware Road. Podium and tower massing strategies are not possible at this height, leading to an inefficient and bulkier horizontal mass that occupies more ground but achieves less yield.

The reduced building height also prevents meaningful vertical transition from the inner core station area to the surrounding low-rise context, undermining urban design principle 5 (transition built forms from inner core to outer core areas). The setback strategy, tree retention, and permeability objectives can technically still be applied, but the constrained yield compromises their integration with building placement and open space hierarchy. The product delivered would need to be very high end of the market and would be inward focused in its form and function rather than being promoted as a vibrant scheme with communal meeting points and vitality.

The design also fails to adequately define the primary street edges. Urban design principle 3 (built form to define Kingsway and Woollooware Road) is not achieved, as the form sits well below the street wall height anticipated by the SEPP and does not contribute to a coherent urban edge.

In summary, the form is overly recessive, inefficiently occupies land that has logical strategic uplift potential, and weakens the overall spatial and landscape logic embedded in the precinct framework.

#### Housing and social outcomes

Critically, this scheme generates a housing yield too low to support the proposed 50% affordable housing objective. Based on the 6,476 m<sup>2</sup> GFA, even a generous allocation of 10-15% affordable housing (if economically possible) would significantly underdeliver against both the social need in the LGA and the expectations of the Ministerial Directions on Housing Delivery 2024.

The scenario is inconsistent with section 1.3(c) and (e) of the EP&A Act, which promote the delivery and maintenance of affordable housing and the provision of housing choice for a diverse population. The inability to generate a sufficient number of units within this envelope renders the development unviable for a CHP proponent and undermines the social benefit that the HSEPP seeks to secure through density incentives.

The financial model will need to rely on a very high level market price point to cover the significant per unit cost of development impact by a lower yield thus undermining the project's ability to provide diverse mix of housing typology. Pressure is placed on the development model at these yields to deliver large and expensive dwellings that are already catered for in the market and the opportunity for key worker housing at scale is impossible.

This scenario also prevents delivery of community infrastructure such as the on-site community centre and compresses or eliminates the public open space spine and through-site pedestrian link. These public benefit features are integral to the project's urban and social logic and cannot be reasonably delivered within this yield.

#### Policy and strategic alignment

While the scheme technically aligns with the numerical FSR and height standards under clause 16 of division 1, it fails the broader compatibility and intent test under clause 39 of division 5. The SEPP explicitly enables consideration of development that would otherwise be prohibited in an LEP zone where it delivers strategic housing benefit in an appropriate compatible built form.

In this case, a 1.04:1 FSR does not achieve the objectives of the HSEPP or the Ministerial Directions, which call for the optimisation of well-located land near public transport, particularly when advanced by a CHP. It also runs contrary to principle 1 of the project's urban design framework (reinforce Kingsway as an avenue), as the scale is insufficient to anchor and define this key regional corridor.

Further, the development at this density fails to implement principles 2 (enhance movement networks) and 4 (extend green web), as the yield does not justify the infrastructure investment or land allocation needed to support these critical spatial elements.



## Conclusion

Scenario A demonstrates that a 1.04:1 scheme — while technically available under division 1 — results in an underperforming outcome across built form, amenity, housing delivery, and strategic planning objectives. It does not achieve compatibility under clause 39 of division 5 and cannot be considered a sustainable or efficient use of the land in its current urban context.

Importantly, the bonus provisions under clauses 16 and 17 of division 1 were designed primarily to support the viability of smaller, unconsolidated R2 lots — enabling moderate uplift to facilitate infill affordable housing on a site-by-site basis. Applying these same controls to a large, amalgamated landholding such as the subject site does not deliver a proportionate planning benefit. Instead, it artificially constrains the capacity of a well-located strategic parcel and results in inefficient built form outcomes that fail to achieve either affordability at scale or a logical precinct structure. It just provides more expensive housing.

This scenario is therefore not supported as a viable or policy-consistent planning outcome.

### 4.4.4.2 Scenario B – 1.54:1 FSR (five–six storeys; exceeds SEPP height)

#### Overview

Scenario B tests a higher-yield development that seeks to combine the full 30% FSR bonus under clause 16 of division 1 with the additional 0.5:1 FSR bonus available under clause 17, resulting in a proposed FSR of 1.3 :1 , however this scheme is tested at 1.54:1 to test economic compatibility as it is known 1.3:1 will not work with high levels of social benefits. This equates to a total GFA of approximately 9,589 m<sup>2</sup> across five to six residential levels.

However, the HSEPP does not provide a corresponding height incentive for clause 17. As a result, while the proposed FSR is permissible in theory, it cannot be physically accommodated within the 12.35 metre height limit that applies to R2-zoned land under the SEPP. Achieving this form would require a clause 4.6 variation to exceed the prescribed height standard by at least two additional storeys (~6.2 metres).

#### Urban design and built form performance

From a built form perspective, Scenario B sits awkwardly between two development typologies: it has a larger bulk and height than lower-rise suburban schemes, but lacks the clarity, articulation and amenity typically associated with mid-rise development. This creates design tension and compatibility challenges, particularly along the Kingsway and western interfaces.

While the scenario seeks to introduce a more efficient building envelope than Scenario A, it still fails to meet several of the key urban design principles:

- **Principle 1 (Reinforce Kingsway as an avenue)** is only partially met, as the five to six storey built form lacks the vertical dimension required to define the avenue and achieve a balanced street wall relationship.
- **Principle 3 (Built form to define Kingsway and Woollooware Road)** is similarly underdelivered. The envelope remains volumetrically compressed and lacks modulation.
- **Principle 5 (Transition built forms from inner to outer core)** is not successfully achieved due to height compression. The scheme overextends within a constrained height envelope, resulting in compromised articulation and excessive site coverage.



More critically, this scenario cannot deliver a clear podium-tower hierarchy, nor accommodate landscape and movement infrastructure to the degree possible in the preferred scheme. Tree retention and communal space integration become difficult due to the trade-offs imposed by the compressed building height and inefficient GFA distribution.

### Housing and social outcomes

While the gross floor area in this scenario is higher than Scenario A, it remains insufficient to support a full 50% affordable housing allocation when tested against the site's per-unit delivery costs, especially in the absence of greater vertical efficiency. The increased built form results in higher construction and compliance costs without a corresponding gain in housing or public benefit.

Importantly, even though the 1.54:1 FSR has been tested to assess viability, it exceeds the maximum bonus realistically achievable under division 1 at 1.3:1. Clause 17 only applies when a minimum 50% affordable housing component is proposed and all other design criteria are met. In this case, the associated height and density breach means the scheme cannot comply with division 1 standards.

While the objectives of clause 4.6 allow for variations that support public benefit, such as affordable housing delivery, the margin of exceedance in this scenario is pointless as it does not achieve a viable outcome thus it can be argued the variation request would fail the test as it does not lead to achieving an environmental planning ground benefit. It remains very uncertain the exceedance could be justified solely on economic or social grounds, particularly in the absence of a strategic or precinct-based support mechanism. In this context, the feasibility of delivering affordable housing at scale is undermined by the physical and regulatory inefficiencies of the built form constraint.

### Policy and strategic alignment

Scenario B partially aligns with the intent of division 1 but ultimately fails to meet the broader strategic objectives of the HSEPP and the Ministerial Directions on Housing Delivery 2024.

While the scheme attempts to bridge the gap between low- and mid-rise outcomes, it delivers neither the yield nor the amenity needed to justify its complexity. Key objectives of the EP&A Act (section 1.3), including the orderly and economic use of land, are not achieved. The scheme attempts to force a hybrid outcome that does not sit comfortably within the existing or future desired character.

In particular, the height breach makes the scenario non-compliant with the intended relationship between bonus FSR and form expressed in the SEPP's incentive structure. A scheme that seeks both the maximum bonus and a height exceedance must deliver exceptional social outcomes to be justifiable. In this case, the economic model cannot support such outcomes — undermining the planning rationale.

### Conclusion

Scenario B demonstrates that a 1.54:1 FSR outcome is both physically and strategically constrained. While it appears to deliver a moderate increase in density, it introduces significant compliance issues, design inefficiencies and economic limitations. The required clause 4.6

variation to breach height controls is unlikely to be justified on planning or public benefit grounds, particularly when the scheme does not enable the delivery of meaningful affordable housing.

The scheme fails and is not supported as a sustainable or well-integrated outcome.

#### 4.4.4.3 Scenario C – 2.86:1 FSR (*maximum theoretical bonus scheme*)

##### Overview

Scenario C tests the maximum theoretical FSR permitted under division 1 of chapter 6 of the HSEPP. It applies the base R3 density of 2.2:1 (which applies to land immediately adjacent to the site) and layers on the full 30% bonus available under clause 16, resulting in an overall FSR of 2.86:1.

This scenario assumes a zoning outcome consistent with the adjoining R3 land and tests the physical envelope, yield, and urban performance of the highest plausible uplift under division 1 of the adjoining R3 land. The purpose of this test was to assess whether such a form could be accommodated within the site's context and infrastructure setting while still delivering a high-quality and policy-consistent built form.

##### Urban design and built form performance

The key urban design limitation of scenario C lies in the challenge of accommodating the additional bulk required to deliver a 2.86:1 FSR within the physical and contextual constraints of the site.

While the development generally complies with the maximum height permitted under chapter 6 and division 1 on the surrounding R3 land, the increased yield must be absorbed across the site in a way that compromises broader spatial planning and compatibility objectives.

The extra floor space forces the design to rely more heavily on The Kingsway and Woollooware Road frontages to accommodate built form — areas which are already expected to deliver strong address, urban legibility, and interface quality. As a result, the additional density displaces the opportunity to establish a sensitive and meaningful transition in built form to the west, where the site adjoins lower-density residential uses.

This outcome directly undermines **urban design principle 5 (Transition built forms from inner to outer core areas)**. Rather than gradually stepping down or feathering mass to the western edge, the scheme exhausts its volumetric flexibility in the primary frontages. The result is an abrupt and unmoderated transition at the western boundary, where a finer grain response is needed to respect adjoining lots and reinforce the precinct's edge condition.

The additional mass also restricts flexibility in podium and upper-level modulation, limits setbacks for deep soil and tree retention and new planting. It risks compressing communal and public spaces — particularly in those areas where landscape and spatial relief would otherwise support softer, more permeable built form edges.

While the scheme performs within the theoretical parameters of division 1 incentives, its inability to structure built form in a compatible manner at all site edges renders it problematic under clause 39 of the HSEPP. The forced densification required to achieve a 2.86:1 FSR compromises the strategic spatial logic of the precinct and leads to an over-concentration of scale where transition is most needed. This can only be overcome if the built form to the west was higher negating the requirement for a more refined transition of form.

### Housing and social outcomes

Although the 2.86:1 scenario could technically yield the largest number of units — and therefore affordable units — the model fails to demonstrate that this uplift would translate into better housing outcomes. Increased costs for structural complexity, vertical circulation, deep basement excavation, and compliance with overshadowing and building separation rules substantially dilute the feasibility benefit.

Moreover, the increase in absolute unit count does not proportionally improve the housing mix, tenure integration, or affordability outcomes. The quality of affordable housing may be reduced due to compromised unit orientation, solar access and communal open space. These trade-offs are inconsistent with the intent of the HSEPP, which seeks to balance yield with liveability and design quality, especially for social and affordable tenants.

Importantly, there is no net public gain under this scenario. In fact, the loss of landscaping, compromised walkability, and diminished civic presence of the community centre represent a poorer outcome than the preferred scheme.

### Policy and strategic alignment

From a policy perspective, scenario C presents possible risks. While it applies mechanisms available under division 1, it is not as successful in comparison to other scenarios in the compatibility test under clause 39 of division 5, as it cannot structure its additional mass in a way that respects the varied grain and transitions of the surrounding precinct.

In particular, the scheme's inability to provide a graduated built form to the west, where the site interfaces with lower-density residential land, compromises its compatibility with the locality. The HSEPP enables increased density where it can be demonstrated to be compatible with surrounding land uses — not simply in terms of height, but also in the way massing, streetscape, and open space respond to site context. Whereas a case can be made that the built form is compatible in the scenarios tested it is not the best outcome.

The proposal in consideration of other options may also challenge to implement key state housing objectives. It overemphasises yield at the expense of public benefit and urban legibility, reducing the project's alignment with the Ministerial Directions on Housing Delivery 2024, which prioritise well-integrated, sustainable housing delivery by CHPs in accessible, serviced locations.

Similarly, the scenario cannot be considered optimal when compared to another scenario with the EP&A Act's section 1.3 objectives, particularly those concerning equitable housing delivery, environmental amenity, and the orderly and economic use of land. In attempting to maximise development potential, scenario C compromises many of the site's core structural advantages of better design that can only be achieved with a higher built form.

### Conclusion

Scenario C illustrates the theoretical upper limit of built form intensity on the site — and highlights the diminishing returns associated with attempting to fully exhaust the HSEPP's incentive structure. While a 2.86:1 FSR is technically achievable on nearby R3-zoned land, applying this density to the subject site is considered when compared to other scenarios not optimal in a total consideration of best compatible outcomes, particularly along its western interface.

The inability to moderate scale at the site's edges — especially where transition to lower-density residential land is required — renders the scheme less optimal. The method to ameliorate the outcomes of transition is either by reducing density or by increasing heights at street edges. It is considered that keeping the edges of the scheme at a similar height to that of the adjoining R3 zone is sensible.

This scenario does provide meaningful uplift in affordable housing outcomes compared to the preferred scheme, but as viability and social delivery is achieved in the preferred scheme the balance of amenity benefits marginally lost is not specifically offset by the marginal yield gain.

Scenario C is therefore not supported. It does not represent a sustainable or strategically defensible planning outcome.

### Scenario D – 2.73:1 FSR (preferred scheme)

#### Overview

Scenario D represents the preferred built form outcome, tested at an FSR of 2.73:1 and developed through an iterative design process. This scenario balances strategic density, high-quality urban design, and deliverable social outcomes. The model enables delivery of approximately 200 dwellings, of which 50% will be designated as affordable housing.

The scheme sits within a 31.2-metre height envelope and complies with all relevant design criteria under chapter 6 of the HSEPP and the ADG. It applies urban design principles established in the project's design framework and ensures compatibility with the locality in accordance with clause 39 of division 5.

#### Urban design and built form performance

Scenario D is the only scheme that successfully resolves the complex intersection of density, interface conditions, movement structure, and landscape character. It does so through the following key features:

- **Clear built form structure:** The scheme adopts a twin-building layout that frames a generous internal open space spine while maintaining strong address to both The Kingsway and Woollooware Road. Each building is articulated with vertical and horizontal modulation, and upper levels are recessed to reduce apparent height.
- **Integrated public domain:** Unlike other options, scenario D incorporates a through-site pedestrian link, creating permeability from Woollooware Road to Kingsway. This is complemented by a community centre fronting the new public open space and deep landscape setbacks that retain existing mature trees and the provision of new additional trees.
- **Transition to surrounding uses:** The scheme preserves a graduated built form to the west, stepping down massing and increasing setbacks along this interface. It aligns with **urban design principle 5 (Transition built forms)**, achieving the most balanced compatible relationship with lower density adjoining land.
- **Streetscape quality and scale:** On The Kingsway and Woollooware Road, the buildings adopt a mid-rise form that defines the street edge while integrating active transport pathways and landscape buffers. The development reinforces a strong street wall condition

with sufficient relief and legibility in accordance with **principle 3 (Define Kingsway and Woollooware Road)**.

- **Green infrastructure:** Over 30% deep soil zones are provided, exceeding HSEPP requirements and meets the local LEP controls. The development connects into the broader “green web” framework envisaged in the urban design report, supporting **principle 4 (Extend green web)**. This green web is extended through the western boundary through the site from The Kingsway to the rail providing additional edge amenity to the lower scale western edge.

#### Housing and social outcomes

Scenarios C and D are the only viable schemes that enables the delivery of 50% affordable housing on the site while maintaining financial feasibility. However, it is considered that scenario D has the better design integrity. Unlike Scenarios A–C, this model:

- Balances yield and amenity, allowing affordable housing to be integrated tenure-blind across the scheme.
- Delivers a genuine mix of unit sizes, supporting both individuals and families in housing stress.
- Provides infrastructure for social cohesion, including a shared community facility and activated public domain.
- Enables Civic to consolidate disability services and tenancy support operations in a centralised location with specific diverse forms of dwelling typologies.
- Still provides the ability to deliver higher value dual level upper level dwellings to support the economic model and diversity of housing products.

This outcome is precisely aligned with section 1.3 of the EP&A Act, advancing the social and economic dimensions of sustainable development. It also supports the housing priorities of the Ministerial Directions on Housing Delivery 2024, delivering high-yield affordable housing on a station linked site without sacrificing quality. The scheme at these proposed density not only provides a sustainable project it enables a compatible base building as a form to be refined through a detailed design process to achieve a design excellence outcome for longevity and a scheme the community can respond to positively.

#### Policy and strategic alignment

Scenario D complies with the numerical standards of chapter 6 of the surrounding R3 context while fulfilling the broader intent of the HSEPP:

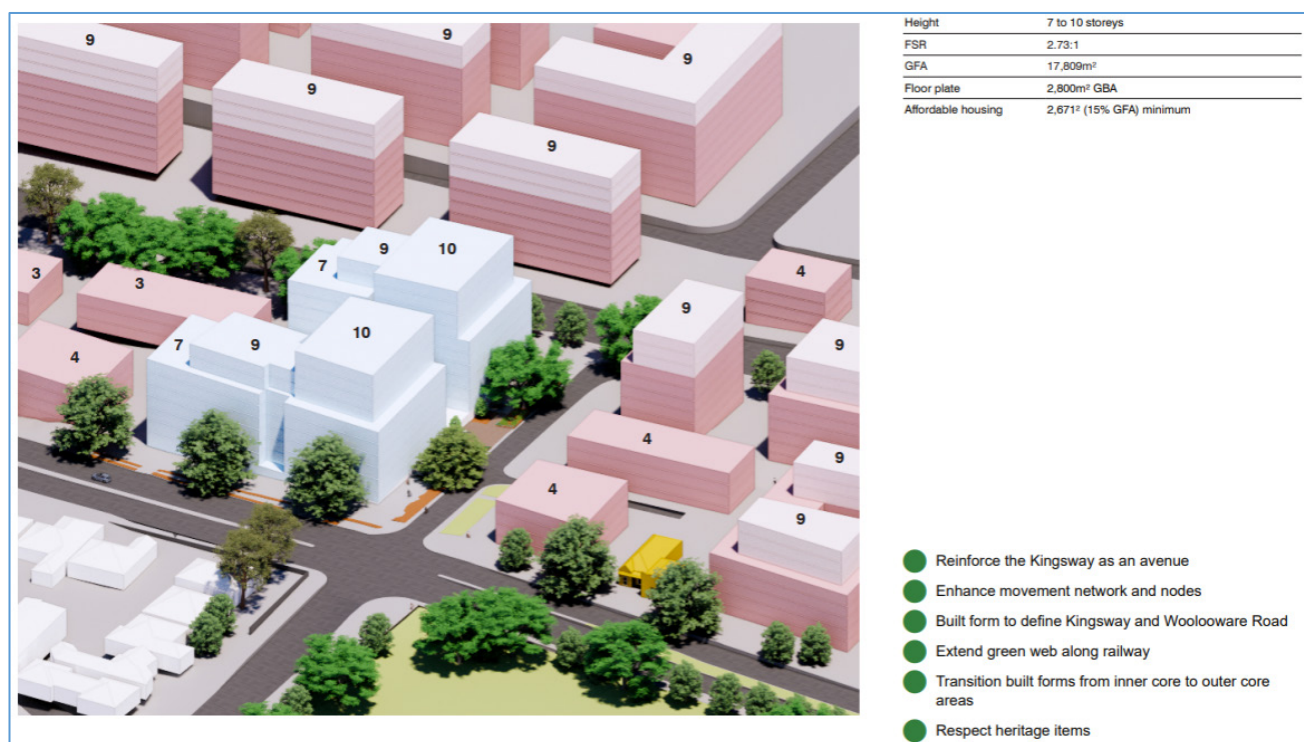
- It achieves compatibility under clause 39, responding to both the existing and desired future character of the precinct.
- It applies division 5 appropriately, providing a vehicle for CHP-led delivery on R2-zoned land where RFBs are otherwise prohibited applying a zoned edge consideration to built form and transition.
- It provides a sound logical basis for a clause 4.6 variation mechanism against the provisions of clause 4.15 and the HSEPP incentive and inclusionary land use structure.



The proposal is entirely consistent with the Ministerial Directions on Housing Delivery 2024, supporting:

- Greater housing diversity and affordability.
- Efficient use of infrastructure and land in accessible locations.
- Activation of underperforming sites near transport.
- Empowerment of CHPs to scale delivery.

The scheme also models the intended application of chapter 3, part 4 of the SEPP (Build-to-Rent), creating a development form suited to long-term, tenure-stable operation that maximises community benefit and mitigates gentrification risk.



**Figure 24 Scenario D preferred option**

## Conclusion

Scenario D is the preferred tested scheme as it is best placed to deliver a feasible, compatible, and policy-consistent built form that is sustainable. It outperforms all alternatives across the full matrix of assessment criteria — including urban design quality, housing yield, affordability, environmental integration, and statutory planning objectives compliance.

The development presents a balanced mid-rise outcome that is deliverable, respectful of its context, and strategically aligned with the housing delivery priorities of the NSW Government. On this basis, it is supported as the preferred scheme and a model example of sustainable development under the HSEPP framework.



**Figure 25 Scenario D view from east to west Woollooware Road through site link**

#### 4.4.4.4 Scenario E – 2.2:1 FSR (base R3 density test)

##### Overview

Scenario E tests a mid-rise built form consistent with the base Floor Space Ratio (FSR) of 2.2:1 under chapter 6 of the HSEPP, mirroring the adjacent R3 controls to the north and east of the site. The concept, as set out in the Urban Design Report (pages 23–24), includes a well-articulated building form with a transition in height from nine to four storeys across the site, generous setbacks, and high-quality communal open space.

The intent behind this scheme was to evaluate whether a “neutral” R3-type scheme could satisfy the design criteria and compatibility requirements under division 5, while offering a more moderate alternative to the higher-density scenarios tested.

##### Built form and urban design performance

In isolation, the 2.2:1 scheme performs competently as a piece of urban design. The concept incorporates:

- A clear height transition from The Kingsway and Woollooware Road toward the western residential interface,
- Significant areas of communal open space integrated at rooftop and ground level,
- A generous internal layout that allows for recreation areas and future connectivity.

The scheme adopts the six design principles outlined in the Urban Design Report and applies them coherently. It is *not* rejected for overdevelopment or lack of design quality — however, it fails in a

more fundamental way: it underutilises a uniquely capable site and cannot deliver on the broader public purpose of the project.

While the urban design framework remains legible, the built form at 2.2:1 does not generate enough efficiency to support the community and housing infrastructure intended by the project. In essence, it is under development of a well-located, consolidated, infrastructure-adjacent site. An element that has been replicated too many times in the Sydney urban framework in well located areas; that has added to the issue of the housing crisis where young people particularly suffer from the compounding negative social issues of lack of supply.



Figure 26 Comparison of scenario E and D

### Housing and social outcomes

This is where scenario E fails most clearly. The reduced yield makes the delivery of 50% affordable housing economically unviable. Given high land acquisition costs, construction cost escalations, and the embedded need to deliver mixed typologies and community facilities, the 2.2:1 envelope cannot carry the affordable component without subsidy or compromise.

This scenario:

- Does not generate the critical mass necessary for inclusionary planning outcomes — such as tenure diversity, affordable integration, and supported SDA units.
- Limits the site's capacity to fund Civic's centralised tenancy support and community infrastructure model.
- Reduces the number of homes available for essential workers priced out of the local area.
- Delivers no better financial or strategic result than the preferred 2.73:1 scheme, despite yielding fewer homes and lower social value.



In essence, this scenario may reduce perceived built form impacts but delivers a fraction of the public benefit and fails to respond to the urgent housing need in the locality.

#### Policy and strategic alignment

Scenario E considered in comparison to other scenarios is not optimally aligned with the HSEPP's strategic objectives or clause 39 of division 5. While it uses the baseline R3 controls, it does not offer a better outcome when tested against:

- **The EP&A Act (s.1.3)** principles of sustainable development.
- **Ministerial Directions on Housing Delivery 2024**, which encourage uplift where it enables viable delivery by CHPs.
- **Division 5's compatibility test**, which balances design outcomes with economic viability, land optimisation, and social value.

Moreover, this scenario weakens the proposal's alignment with chapter 3, part 4 (Build-to-Rent) provisions. It lacks the scale required to underpin a viable BTR operation with integrated support services and inclusive community infrastructure — key elements of the Civic/PCH delivery model.

#### Conclusion

Scenario E is not rejected on the grounds of poor urban design. It demonstrates competent planning, effective transitions, and meaningful communal open space. However, it fails to meet the fundamental test of sustainable development for this site.

By underdeveloping a strategic, high-capacity parcel, it sacrifices affordable housing outcomes, social infrastructure delivery, and broader community benefit. The scheme cannot fund the inclusionary model that Civic and PCH seek to deliver and would ultimately revert to higher-cost private housing, excluding those most in need.

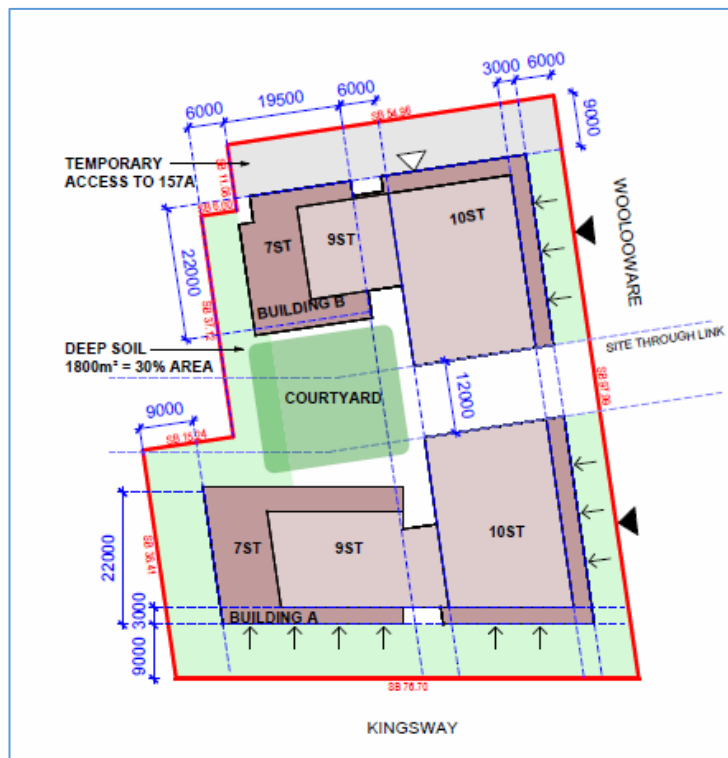
In a context of housing crisis and strategic opportunity, scenario E falls short. It is not supported.

### 4.5 Analysis of the preferred scheme design

The reference scheme at 2.73:1 achieves a highly resolved built form arrangement that reflects a sophisticated design response tailored to the site's scale, context, and aimed social function. The building structure is deliberately composed to support housing diversity, urban permeability, landscape retention, and community use within a coherent architectural framework.

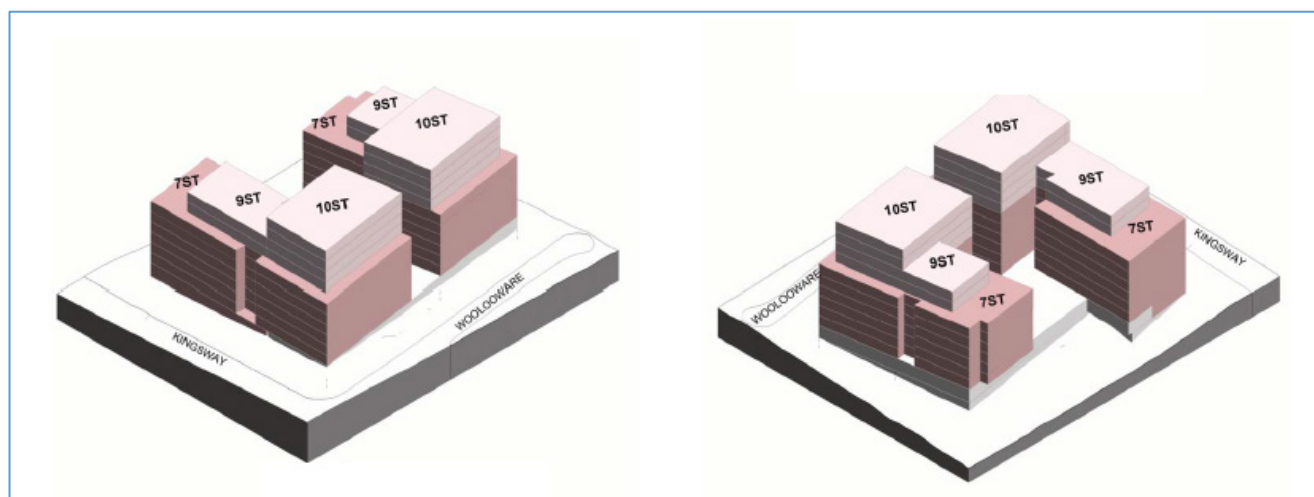
#### 4.5.1 Building composition and orientation

The site as shown in Figure 27 has been divided into two principal buildings, aligned roughly north-south, positioned to preserve east-west solar access and create a continuous mid-block open space spine. This internalised axis is not incidental — it reflects a deliberate planning move to enable dual building separation, preserve communal solar access, and allow full ADG-compliant cross-ventilation for the majority of apartments. The spine acts not just as a courtyard, but as a visual and functional organising element.



**Figure 27 Building location relevant to setbacks**

The twin blocks are offset and staggered, breaking down the apparent width of each structure when viewed from Woollooware Road and The Kingsway. This reduces bulk perception, enhances modulation, and allows landscaped setbacks that reinforce site edges. The architecture avoids slab-form repetition and instead offers independent massing volumes, each articulated with upper-level stepping and a legible podium/tower structure.



**Figure 28 Massing scheme.**

#### 4.5.2 Perimeter response and address

On The Kingsway, the design introduces a consistent podium expression that mediates the height difference between the street and the upper levels. A generous landscape setback allows for active transport corridors, footpath widening, and the preservation of mature street trees — all of which



form part of the long-term structure plan for the corridor. Above this, the upper levels are setback to reduce their visual presence, creating a three-dimensional layered frontage.



**Figure 29 The Kingsway frontage**

On Woollooware Road, the building aligns with the established rhythm of street-facing facades yet avoids uniformity. Podium variation and material treatment are used to reflect human-scale modulation and residential articulation. The entry sequence is clear, direct, and aligned to the main communal link spine, offering a through-site permeability feature that is structurally embedded in the site design.

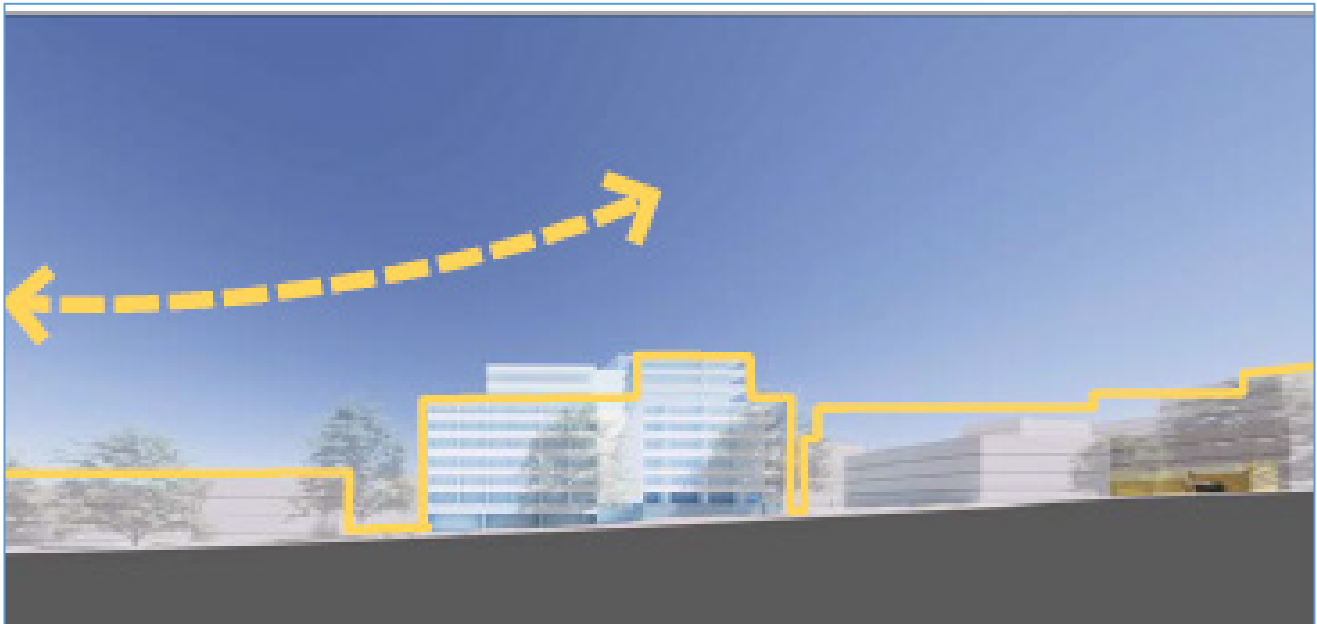


**Figure 30 Woollooware Road setback and street level built form design methodology**

#### **4.5.3 Transition to medium density interface (western boundary)**

A predominant compatibility consideration is the transition of the built form to the western edge. The western edge has assumed a step down to future four storey buildings. The western edge implements increased setbacks and deep soil landscaped buffer zones. Crucially, this is not a compressed transition. The western-most building edges are reduced in height, articulated in form,

and separated from adjacent R2-zoned development by a generous deep soil corridor that will support significant urban tree planting on this western edge. This creates both a visual transition and a functional spatial buffer that preserves neighbour amenity and privacy.

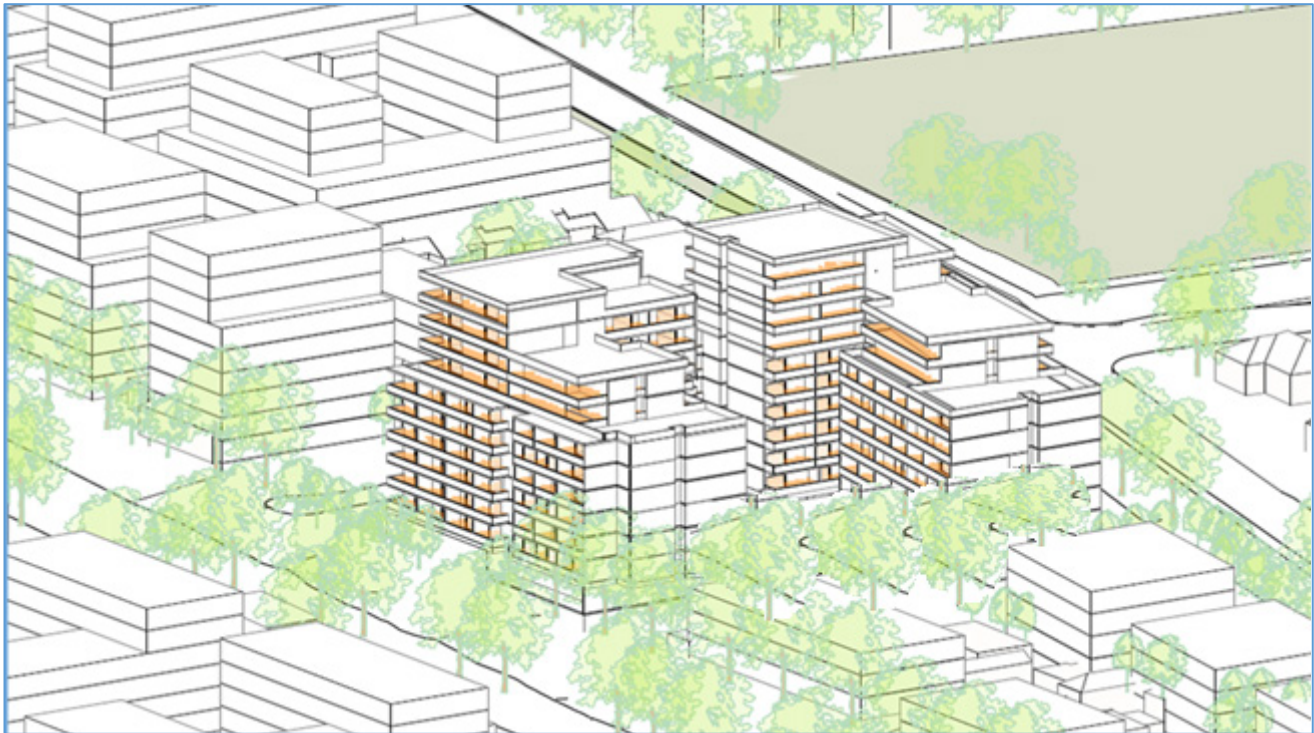


**Figure 31 The Kingsway frontage articulation and transition**

This element of the design demonstrates direct and intentional compliance with clause 39(2)(b) of the HSEPP, as well as urban design principle 5, supporting a consistent transition from inner core to outer edge.



**Figure 32 The Kingsway view**



*Figure 33 View towards southeast with desired future character built form and edge planting*

#### 4.5.4 Central spine and public realm integration

A distinctive element of the scheme is the central public spine, which forms a full pedestrian linkage from Woollooware Road to The Kingsway. This is not simply a mid-block access route, but a multi-functional public domain space that enables:

Entry points to both buildings,

- A forecourt to the proposed community centre,
- Clear wayfinding and CPTED-compliant surveillance.
- Informal and planned gathering, passive recreation, and deep soil zones.

This movement axis is activated by ground floor uses, including shared community facilities, circulation areas, and landscaped open space. The spine integrates with the broader precinct permeability and creates a meaningful civic address, not just an internal courtyard.

#### 4.5.5 Apartment layouts, typologies and Civic model integration

The preferred scheme incorporates a diverse apartment mix across studio, one-, two-, and three-bedroom dwellings, including a series of dual key apartments designed to support Civic's integrated model of SDA, key worker housing, and supported independent living.

#### Housing typology and layout strategy

The layout strategy is informed by four key principles:

1. **Tenure neutrality** — All dwellings are designed to appear and function indistinguishably from each other, regardless of whether they are affordable, SDA, or private units. This ensures no visual or spatial segregation by income, disability, or support needs.



2. **Inclusionary planning** — The unit mix and building layout are intended to accommodate a broad demographic spectrum — including individuals with high support needs, low-income key workers, downsizers, and families — with apartments designed to meet or exceed the ADG standards.
3. **Adaptability** — The building is designed to support flexible use, particularly in the ground-floor and dual key units. This supports the SDA model, enabling independent living with optional onsite concierge or support staff nearby.
4. **Operational efficiency** — The dual key model offers an innovative housing solution that provides privacy and independence for two households while maximising site efficiency. It is well-suited to the Civic/PCH operational model, which provides tailored tenancy support and can adapt to changing household compositions over time.

#### Dual key apartments and SDA

The dual key configurations are particularly important to the social intent of the scheme. These apartments are typically composed of a shared entry or foyer with two self-contained living areas — such as a one-bedroom and two-bedroom combination. The design shown enables:

- SDA-eligible tenants to live independently in a secure, NDIS-compliant private apartment, with built-in accessibility and support infrastructure.
- Family members or rotating support workers to be accommodated in the adjoining apartment.
- Key workers or other unrelated tenants to live adjacent to SDA tenants with Civic's tenancy coordination and support systems in place.

This model enhances operational flexibility, supports ageing-in-place, and reflects contemporary best practice in inclusive housing design.

#### Spatial quality and design features

All apartments have been designed in compliance with ADG provisions, including:

- Minimum internal floor areas meeting ADG requirements.
- Living rooms and principal bedrooms oriented to maximise daylight and to exceed ADG solar targets.
- Private open space access via large balconies.
- Minimum 12 metre separation distances and visual privacy to habitable rooms and balconies.
- Functional kitchens, bathrooms, and circulation designed to be adaptable and efficient.
- Inclusion of large family units on upper levels with access to large private open space areas to support economic social model and provide additional diversity of product.

The inclusion of dual-aspect and corner apartments across both buildings enables excellent daylight and ventilation performance. The majority of apartments are cross-ventilated and achieve full solar compliance, even in higher levels of the building.





**Figure 34 Sample apartment type dual keys**

#### Alignment with social objectives

This housing mix supports:

- **Sustainable long-term tenancies** for Civic clients, key workers, and general residents,
- **Flexible and scalable allocation** of affordable units within the development,
- **Efficient management and tenancy oversight** by a single CHP,
- Delivery of **tenure diversity without visual distinction**, in accordance with best-practice inclusionary housing principles.

This typology enables the project to meet the Ministerial Directions on Housing Delivery 2024 — particularly with regard to integrated affordable and disability housing, operational viability for CHPs, and maximisation of urban capacity for social impact.

#### 4.5.6 Landscape and common areas

The landscape strategy embedded within the preferred 2.73:1 scheme plays a pivotal role in the spatial, environmental, and social logic of the development. The landscape is not a secondary or decorative layer—it is a primary element of structure, permeability, compatibility and inclusion. Designed in tandem with built form, the landscape layout plan integrates deep soil planting, public and communal open space, heritage sensitivity, and civic infrastructure.

#### Deep soil zones and edge greening

The scheme provides over 30% deep soil, significantly exceeding the 15% minimum under the division 1 deemed to comply provisions in the HSEPP and significantly in excess of the chapter 6 tree planting guide. These zones are strategically placed along all site boundaries:

- Northern edge (railway corridor) — enabling soft separation and canopy planting and the continuation of a green link along the railway.

- Western edge (residential interface) — forming a transition with tree buffers and acoustic relief. With opportunity for the planting of significant tree density through the western boundary of the site.
- Southern boundary (Kingsway) — retaining existing trees and creating future street planting capacity through increased setbacks integrated into an activated transport corridor.

This deep soil provision allows for substantial canopy cover, on-site stormwater management, and ecological connectivity. The vegetated edges enhance visual permeability and create soft thresholds between public and private domains.

#### Central open space spine and community link



**Figure 35 Example open space landscape treatments on a Stanisic project 1 Edmondson Park**

A defining feature of the development is the east–west open space spine, which runs between the two buildings and connects Woollooware Road to The Kingsway. This spine functions as a publicly accessible, landscaped thoroughfare, incorporating:

- A clear, legible pedestrian path.
- Informal social spaces and seating nodes.
- Access points to residential entries.
- Activation through ground-level uses and passive surveillance.



Crucially, this central spine anchors the new community centre, located at the scheme's core. The centre is directly accessible from the open space and sits within a landscaped forecourt that enables community and tenant events, small gatherings, and programmed activities. The interface is inclusive, civic in character, and designed to foster local integration between the broader Woollooware community and the resident population.

This integration supports urban design principle 6 (create diversity of uses and tenure) and advances compatibility under clause 39 of the HSEPP through both spatial and social function.



***Figure 36 Example open space landscape treatments on a Stanisic project 2 Mondrian***

#### **Rooftop and podium communal areas**

In addition to ground-level landscape, the proposal incorporates a series of rooftop and podium-level communal spaces across both buildings. These are deliberately varied in form, layout, and orientation to support multiple user groups, including:

- Quiet rooftop gardens with seating and shade.
- More active communal terraces for resident events or passive recreation.

- Podium courtyards offering semi-private respite for families and older persons.

The number and distribution of these spaces promote equitable access across the building population. During the detailed DA process, these areas will be refined in by the architects and landscape design team in consultation with Civic and PCH to support demographic-specific uses, seasonal conditions, and long-term management.

These elevated green spaces also contribute to softening the building's upper mass, improving solar and acoustic conditions, and increasing site-wide biodiversity and urban cooling.

#### Interface with Kingsway – setting the standard

The scheme is explicitly designed to support council's strategic vision for The Kingsway as a tree-lined civic boulevard. A heritage-listed Port Jackson fig exists at the south-east of the site, and the development preserves and reinforces this character by:

- Providing generous 9–10 metre front setbacks to Kingsway.
- Retaining existing street trees and supporting future fig tree planting.
- Avoiding vehicle driveways or services that compromise canopy planting potential.

More than a response, this scheme (Figure 35) seeks to support the council vision and thus set the benchmark for future fig-lined street character along The Kingsway. It provides the spatial conditions, planting rhythm, and design language that can be extended by council in future works, enhancing shade, walkability, and identity across the precinct.

#### Heritage response – Woollooware Road

While the subject site is not heritage-listed, Woollooware Road is a recognised heritage item under the LEP. The landscape response is sensitive to this context, using:

- A 6-metre building setback with generous planting buffers.
- Landscape articulation aligned to the streetscape pattern.
- Low fencing and level changes to preserve continuity without mimicry.

This treatment aligns with urban design principle 5 (transition built forms) and contributes to neighbourhood character while enabling a higher-density response on the subject land.

#### Ground-level thresholds and private open space

Ground-floor apartments along all site frontages are framed by landscape zones that provide semi-private outdoor space, passive surveillance, and privacy. The landscape forms a soft interface between public paths and residential uses, enabling safety, comfort, and usability without over-reliance on fencing.

#### Environmental and social infrastructure

The landscape supports sustainability and liveability through:

- Stormwater management and infiltration.
- Biodiversity corridors and shade trees.
- Active transport alignment with The Kingsway corridor vision.



- Spaces for social interaction across tenures and ability levels.

This strategy aligns with the objectives of section 1.3 of the EP&A Act, the Ministerial Directions on Housing Delivery 2024, and the broader intent of chapter 6 of the HSEPP.

#### 4.5.7 Access and vehicles

The access and circulation strategy for the preferred scheme has been developed to support long-term sustainability, inclusive movement, and efficient site servicing. It reflects the build-to-rent (BTR) model proposed for the project and complies with the provisions of chapter 3, part 4 of the HSEPP.

##### Primary access and servicing

Vehicle access to the site is provided from Woollooware Road, entering at the site's lowest natural elevation. This location has been selected to minimise basement excavation, reduce construction cost, and ensure efficient service vehicle entry. The driveway alignment allows safe pedestrian separation, with clear sightlines and minimal impact on the public domain.

The Kingsway frontage remains free of vehicle crossovers, preserving its role as a green, civic corridor and allowing for continuous pedestrian, tree canopy, and active transport integration.



**Figure 37 Basement design access from Woollooware Road and future easement opportunity**

### Basement parking and build-to-rent compliance

The scheme proposes a two-level basement car park containing approximately 120 car spaces. This exceeds the minimum car parking requirements under chapter 3, part 4 of the HSEPP for build-to-rent housing.

Parking will accommodate:

- Residents across various unit types.
- Visitors and staff associated with the on-site community centre.
- Dedicated NDIS drop-off and accessible spaces for SDA tenants.
- Waste management and plant access.
- At least one car share space, providing sustainable flexibility for households.

Although the development is consistent with BTR minimums, the proponent acknowledges the importance of context. Accordingly, during the detailed DA process, the project team will engage with council and the consent authority to calibrate the parking provision, ensuring it balances community expectations, transport sustainability, and operational needs.

This approach reflects the project's broader commitment to BTR that is both responsive to local context and strategically aligned with state housing policy.

### Active and public transport integration

The development is highly accessible by public and active transport. It supports mode shift through:

- A pedestrian-prioritised east–west link through the site between Woollooware Road and Kingsway.
- Walkable access to Woollooware Station (190m) with high-frequency train services.
- Local bus stops within 150 metres of the site.
- Access to Woollooware Bay shared paths and Cronulla Beach via cycling and walking.
- Promoting and providing opportunity for the progression of the active transport link.<sup>19</sup>
- Generous bicycle parking for residents and visitors.

The design reflects a complete transport strategy that supports reduced car reliance, long-term affordability, and accessibility for all households.

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<sup>19</sup> <https://www.transport.nsw.gov.au/projects/current-projects/sutherland-to-cronulla-active-transport-link>



**Figure 38 NSW government and council active transport link project**



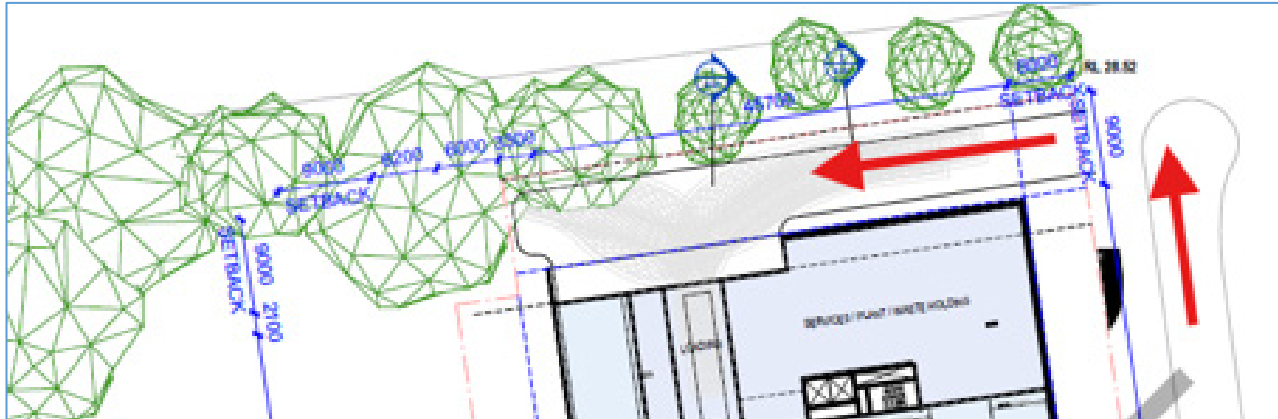
**Figure 39 Example of an active and landscape design promoted by additional ground level setbacks**

Figure 39 (right) includes picture of the active transport link in Miranda.

#### Future structure planning and access to western land

The proposed access arrangement has been deliberately designed to support future coordinated redevelopment of the western land parcels that adjoin the subject site. The internal vehicle circulation system, including basement geometry and driveway positioning, allows for a future westward extension.

To enable this, the landowner is open to granting a vehicular access easement in favour of council across the southern edge of the site in the future. This would provide a legal mechanism to facilitate shared access for rear-loaded redevelopment of western properties, should council support consolidation and structure planning west of the current site.



**Figure 40 Future access and easement opportunity from Woollooware Road.**

The long-term benefit of this option is that it would allow council to close or reduce direct vehicle access to The Kingsway, consolidating traffic movement to Woollooware Road and preserving Kingsway's intended role as a green, walkable, tree-lined civic corridor.

This strategy reinforces principles of orderly and economic use of land under section 1.3 of the EP&A Act, aligns with local planning goals for public domain continuity along Kingsway, and provides future access flexibility without requiring additional road infrastructure.

#### 4.5.8 Amenity and solar access

The preferred scheme delivers a high level of environmental and residential amenity through careful solar orientation, articulation of built form, and the inclusion of varied open space types. It balances density with light access and privacy and is designed to exceed the expectations of the ADG for solar access, natural ventilation, and liveability.

##### Solar access performance

The development has been designed to maximise solar access to apartments, communal open spaces, and adjoining land. Key outcomes include:

- Over 70 percent of apartments achieve a minimum of two hours direct sunlight between 9am and 3pm in mid-winter, exceeding the 70 percent benchmark required by the ADG.
- A majority of dwellings are corner or dual aspect, improving daylight penetration and cross ventilation.
- The two-building configuration with a central spine ensures that east and west facades are adequately spaced, preventing overshadowing of each other and allowing good solar access on both sides.
- Deep balconies and rooftop terraces are oriented to the north or north-east where possible, ensuring usable outdoor space with good sun exposure throughout the year.



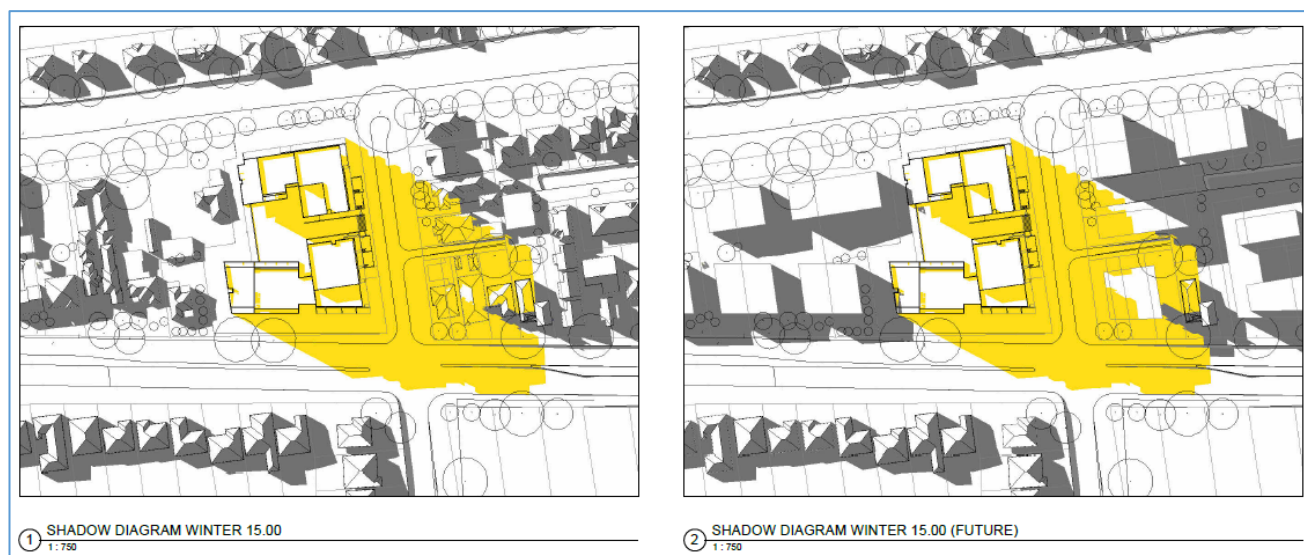
- Shadow diagrams show minimal overshadowing to adjacent residential properties, particularly those to the west and south. All affected adjoining land retains more than three hours of sunlight on June 21, meeting the SEPP 65 and ADG benchmarks.

#### Shadow minimisation

The scheme casts shadows in a linear north–south direction. This is a deliberate design strategy to:

- Preserve solar access to existing southern properties along The Kingsway.
- Avoid impacting Woollooware Road properties to the east,
- Maintain good light access to future developments to the west.
- No overshadowing of the of the playing fields.

The Equinox diagrams confirm that all neighbouring lots retain substantial solar access, and that the overshadowing effect of the preferred scheme is modest given its yield.



**Figure 41 Winter solace analysis at 3 pm**

#### Outlook and internal amenity

The building form has been arranged to ensure generous visual separation between facing dwellings and between apartments and communal areas. Apartment layouts are configured to maximise orientation to street frontages, the central spine, and rooftop terraces. This delivers:

- Good outlook and privacy, especially for mid-rise dwellings.
- Avoidance of single-aspect south-facing apartments.
- Logical grouping of apartment typologies to suit varied cohorts including singles, families, and supported residents.

The dual key apartments are located to support Civic’s SDA program and have been designed to ensure sunlight and ventilation to both wings, enhancing resident dignity and liveability.

### Communal and rooftop spaces

Solar access to communal areas is a core feature of the scheme. The east–west spine receives direct morning and early afternoon sun. Rooftop gardens are staggered across the buildings, with varied orientation to allow:

- Northern exposure for passive recreation and social gatherings.
- Eastern light for morning-use areas like yoga decks or quiet seating.
- Protection from wind and overshading by taller massing.

These spaces will be further detailed and thermally tuned during the detailed design phase.

### Sustainability, compatibility and strategic alignment

The design satisfies clause 39 of the HSEPP by demonstrating compatibility with surrounding land uses through thoughtful solar performance and amenity protection. It exceeds minimum standards, supports sustainable living, and enables a development that meets density targets without compromising the quality of internal or shared spaces.

These outcomes support key principles in section 1.3 of the EP&A Act (sustainable development), the Ministerial Directions on Housing Delivery 2024, and the HSEPP’s intent to deliver well-designed, liveable mid-rise housing.

#### 4.5.9 Infrastructure and services

The proposed development is compatible with existing and planned infrastructure networks and can be accommodated without the need for significant external augmentation. This is confirmed by the independent assessment prepared by Tooker & Associates (18 June 2025) (Appendix F), which evaluated utility capacity, environmental risk, and development compatibility under division 5 of the HSEPP.

#### Sewer

The site is currently serviced by a 150mm gravity sewer line that connects to 15 surrounding lots. The proposed 200-dwelling scheme generates an estimated 500 Equivalent Persons (EP), based on the standard ratio of 2.5 EP per apartment. Including upstream existing dwellings (approx. 45 EP), the total load is 545 EP—well within the nominal capacity of 600 EP for a 150mm line. The existing sewer infrastructure is therefore compatible with the proposed development.

#### Water supply

The site benefits from direct frontage to a 300mm water main in Kingsway and a 150mm pipe along Woollooware Road. These assets are sufficient to service high-density residential development. The available 300mm main significantly exceeds the minimum requirement for a single high-density development and offers capacity for both firefighting and peak demand usage. No upgrades are anticipated to be required.

#### Electricity

The project is estimated to require approximately 900 kVA of electricity supply. High- and low-voltage cables are present along Kingsway and Woollooware Road, with a high-voltage substation located approximately 500 metres away on Wills Road. If required, the proponent can fund

extension of a high-voltage feeder line to supplement existing capacity. Overall, the proposal is compatible with existing electricity supply arrangements.

#### Gas

While demand for gas is expected to be low given the development's sustainable design targets, a 32mm 10kPa gas main runs along both frontages. Should additional capacity be required, extension of a 40mm or 100mm line from 250 metres south on Woollooware Road is feasible and fundable by the project. Gas infrastructure presents no barrier to development.

#### Telecommunications

The site is serviced by NBN infrastructure on both The Kingsway and Woollooware Road. Optus cabling is also available within 250 metres. Telecommunications infrastructure is adequate and compatible with the development without the need for further augmentation.

#### Stormwater and drainage

The site's stormwater will be managed through a combination of landscaped deep soil zones (30% of site area), overland flow paths, and basement drainage. The proposed scheme has been designed to maintain pre-development discharge conditions, with all runoffs contained and treated in accordance with council's WSUD principles. Detailed stormwater and on-site detention modelling will accompany the subsequent DA.

#### Flood risk and environmental hazards

The development site is not subject to flooding as mapped in the Woollooware Bay Floodplain Risk Management Study and Plan (2022). No portion of the site lies within the Probable Maximum Flood (PMF) extent. The area has no known overland flow constraints or drainage bottlenecks. The land is not bushfire-prone and is not mapped as contaminated.

A preliminary environmental review finds no material constraints from past uses. While the site has been developed as residential since the 1960s, a Phase 1 contamination study will be undertaken to confirm low risk at the DA stage.

## 4.6 Preliminary analysis of development issues

### 4.6.1 Transport access methodology

The transport strategy for the proposed development balances sustainability, urban efficiency, and community expectation. While affordable housing schemes are often delivered without parking due to viability constraints, the scale and consolidated structure of the Woollooware project enables the inclusion of a two-level basement car park. This reflects a deliberate effort by the proponent to support both housing affordability and parking needs in a sensitive and integrated manner whilst seeking to be responsive to community sentiment that feels more carparking is typically required in new projects.

The project will deliver approximately 120 car spaces — exceeding the minimum requirements under chapter 3, part 4 of the HSEPP (build-to-rent). Parking will be distributed between general residents, SDA support users, community centre staff, and visitors. A car share space is also included.

NSW State Government guiding policy advises that the purpose of introducing site compatibility certification under HSEPP is to facilitate redevelopment of land near key railway stations and

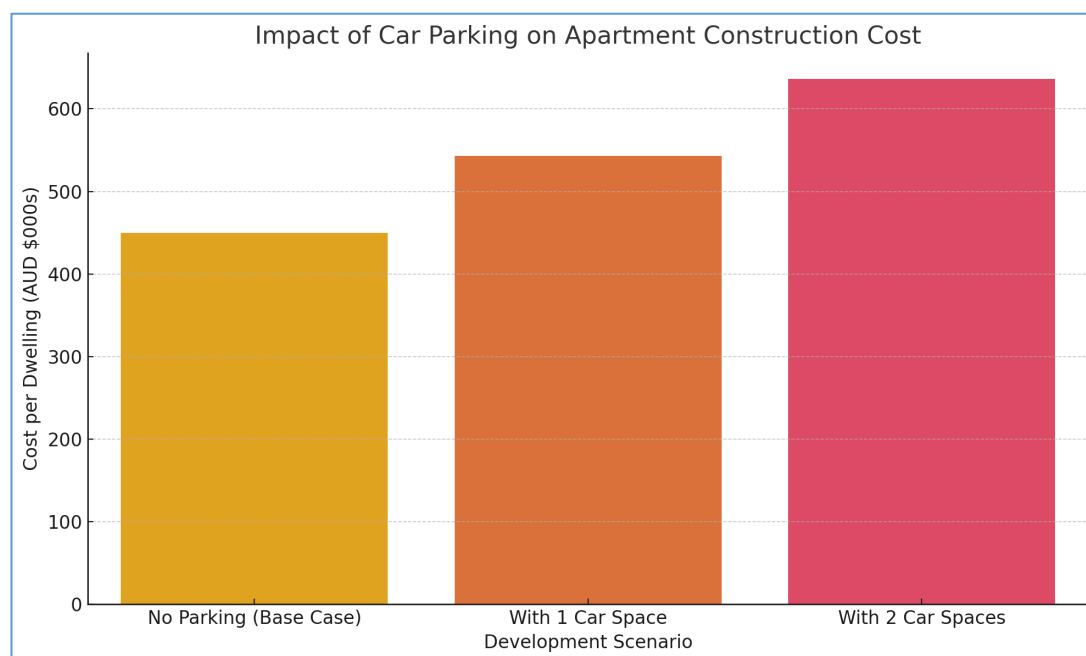
nominated cities and towns without the need for a rezoning, if the proposed development is compatible with surrounding land uses<sup>20</sup>. Importantly, this level of parking provision has only been made possible because the project is of sufficient scale and is being progressed under a consolidated planning framework (division 5 of chapter 2) that supports assessment efficiency and certainty of process. Without such alignment, the cost burden of delivering basement parking would likely render the affordable housing outcomes unviable — a pattern consistently observed in lower-density schemes and confirmed by housing economics research.

#### 4.6.1.1 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)<sup>21</sup> indicates that a single car space can increase development cost by \$93,000 per dwelling, equivalent to a 20–25% cost premium.

In smaller schemes, this cost can erode feasibility and result in project deferral or a reduction in affordable housing outcomes. In this case, however, the scale and coordinated nature of the development assessment mean that basement construction can be delivered efficiently. If the project is supported through a streamlined and responsive assessment process, the added certainty will help offset cost risk, allowing the delivery of parking alongside the broader housing and social outcomes.

This reflects the HSEPP’s intent to enable feasible, well-located housing by providing clear planning pathways that avoid unnecessary delays or regulatory drag — both of which translate directly into delivery cost and rent uplift.



**Figure 42 car parking cost delivery impacts**

<sup>20</sup> NSW Government Planning - SITE COMPATIBILITY CERTIFICATE GUIDELINE FOR APPLICATIONS.

<sup>21</sup> 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)<sup>22</sup>, 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, constrained and complicated drawn out assessment process being a leading example.

#### 4.6.1.2 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.

As AHURI<sup>23</sup> 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.

#### 4.6.1.3 Public transport and active modes alignment

The Transport and High-Density Housing Policy Brief by RMIT University 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 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 Urbanista 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.

The development is situated 190 metres from Woollooware Station — one of the best-connected rail nodes in the Shire — and within walking distance of local bus routes, foreshore paths, Cronulla Beach, and the Esplanade. These amenities support active, car-free lifestyles and enable modal choice for residents, without placing pressure on limited street capacity.

#### 4.6.1.4 International best practice and inclusionary housing models

The AHURI Positioning Paper No. 99 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.

#### 4.6.1.5 Design and amenity benefits

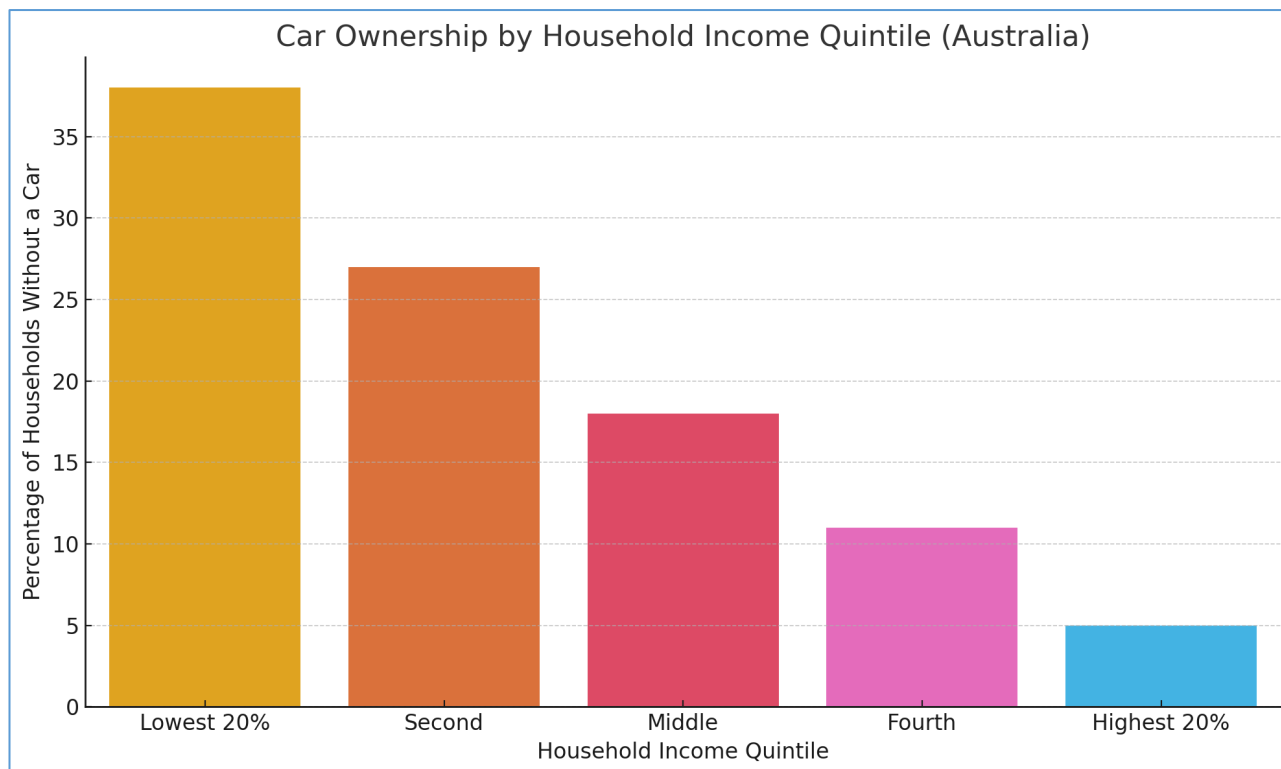
The decision to include basement parking in this scheme does not undermine environmental or design performance. The building’s footprint is compact, with setbacks that support mature

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<sup>22</sup> 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>

<sup>23</sup> AHURI (2020). *Urban Regulation and Diverse Housing Supply: An Investigative Panel*. Final Report No. 349.

landscaping, retention of trees, and deep soil areas across 30% of the site. Generous communal spaces remain a key feature, including rooftop areas and a community-facing open space spine.



**Figure 43 Car ownership by income quintile graph**

The broader message of this scheme is clear: where strategic density is matched with assessment certainty, better social and transport outcomes are possible — including the delivery of high-quality, affordable housing with integrated parking, public domain, and urban amenity.

These attributes align directly with the principles of the Better Placed policy framework<sup>24</sup>, reinforcing the quality and context-sensitive character of the proposal and supported by AHURI’s findings on urban regulation and viability<sup>25</sup>.

In sustainability terms, reducing 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 use<sup>26</sup>. 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.

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

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

<sup>26</sup> Zapata-Diomed, 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).

### Equity and social alignment

While the scheme includes parking, it does not presume universal car ownership. As AHURI (2020) and other housing economists have noted, low- and moderate-income households are less likely to own a private vehicle, and mandatory parking can function as a regressive cost burden. The flexible approach taken here ensures that:

- Car-free living remains possible for households who wish to minimise costs and environmental impact.
- Car share and public transport access provide alternatives to private ownership.
- Parking is distributed and priced in a way that preserves affordability for those who need it most.

This is consistent with the project's inclusionary housing model, which supports social housing, SDA, and key worker tenancies — many of whom require access flexibility, not car dependency.

### Conclusion transport and parking methodology assessment

While some stakeholders may reasonably hold the view that a development of this scale and proximity to existing neighbourhoods should provide substantial on-site car parking, the proposal responds constructively to those expectations while maintaining the affordability and social objectives at the core of the project. The scheme includes a significant two-level basement car park, delivering approximately 120 spaces—well above the minimum required under the build-to-rent provisions of the HSEPP. This is not a statutory obligation, but a deliberate commitment by the proponent to deliver a balanced and sustainable outcome.

The car parking strategy has been designed to serve a diverse range of tenants, including social and affordable housing residents, supported disability accommodation users, and key workers. It supports modal flexibility while recognising that car ownership will not be uniform across the resident base. At the same time, higher-density market apartments play a vital economic role in cross-subsidising the inclusionary housing elements, and some of those households will reasonably require secure vehicle access.

It is important to acknowledge that the ability to include this level of parking—without compromising social outcomes or yield—depends heavily on the planning framework operating efficiently and predictably. The project is being advanced under division 5 of the HSEPP in part because that pathway, when supported by the department and consent authority as intended by the Ministerial Directions on Housing Delivery 2024, reduces risk, avoids unnecessary delay, and enables deeper affordability through savings in time and holding costs.

Accordingly, the proposal is considered to be compatible with surrounding land uses on transport and parking grounds. It provides a carefully considered level of car parking that meets both practical and policy needs, while supporting broader public interest objectives including environmental performance, housing equity, and land use efficiency. The outcome is not only balanced—it is aligned with the principles of sustainable development and the intent of the planning system to facilitate multi modal transport options in diverse, inclusive and accessible housing in well-serviced locations.

#### 4.6.2 Traffic, parking, and sustainable mobility summary

##### Overview

A future and detailed transport, traffic and parking assessment will accompany the detailed DA for the Woollooware development. However, preliminary site analysis and design inputs from the project team have been informed by comparable assessments and site inspections conducted for earlier schemes in the immediate locality, including the 1 Panorama Avenue project located just to the east to analysis local transport and traffic aspects.

The current proposal comprises approximately 200 dwellings is supported by a two-level basement car park, a publicly accessible community centre, and a series of publicly and privately accessible open spaces. The site benefits from strong existing transport infrastructure, including:

- A walking distance of approximately 190 metres to Woollooware railway station.
- Direct access to bus services operating along The Kingsway.
- Flat pedestrian connectivity to key destinations, including Woollooware Bay Shopping Centre, Cronulla town centre, and local schools and services.

This enables the project to adopt a transport-oriented development model, promoting reduced car dependence while meeting practical parking needs in a sustainable and considered way.

##### Existing network and observed access patterns

Key transport and access observations include:

- The Kingsway is a key east–west arterial route with regular bus services and a growing urban corridor character.
- Woollooware Road and surrounding local streets are moderately trafficked, with mixed residential typologies and on-street parking.
- A generous footpath network exists on all site frontages, with capacity to support improved pedestrian amenity and links.
- Site inspections confirm that both active transport and informal station pick-up/drop-off activity are well established in the area.

Woollooware station is one of the least congested on the Sydney suburban rail network during peak periods, offering high-frequency services without overcrowding.

##### Parking provision and access methodology

In contrast to earlier schemes where no car parking was proposed, this development incorporates a two-level basement car park providing approximately 120 parking spaces. This exceeds the minimum required under chapter 3, part 4 of the HSEPP for build-to-rent housing and has been made possible through economies of scale and a layout that minimises excavation by entering at the low point on Woollooware Road.

The design enables:

- Vehicle access via Woollooware Road, thereby avoiding new driveways on The Kingsway and maintaining a safe and active frontage.



- Future provision for a rear access link or easement to facilitate consolidated development of adjoining western properties, potentially removing the need for individual vehicular access points from The Kingsway.
- No conflict with Sydney Trains setback requirements, as the basement is sufficiently separated from the rail corridor.

This arrangement balances community expectations around parking with the economic and social objectives of the affordable housing model. It enables sufficient provision for residents, visitors and service vehicles while promoting long-term mode shift and transport sustainability.

### Sustainable mobility strategy

The project embeds a multi-modal, sustainable mobility strategy, including:

- Secure bicycle parking distributed across basement and communal areas.
- Provision for e-scooter and moped storage to support low-emission, short-distance travel.
- A Green Travel Plan to be developed in consultation with PCH, encouraging resident uptake of sustainable modes. The plan will include:
  - Real-time transport information displayed in common areas.
  - Induction material on local walking and cycling networks.
  - Promotion of car share membership and support for e-bike usage.

In addition, the project promotes an urban design framework that supports walkability, access to services, and integration with council's future active transport links along The Kingsway. Landscape setbacks along Kingsway and Woollooware Road will facilitate widened footpaths, canopy shade and future bicycle path connectivity.

### Conclusion traffic, parking, and sustainable mobility summary

The proposed development responds to the area's high public transport accessibility and incorporates a balanced transport strategy. Car parking is provided in a manner that is responsive to urban constraints and design principles—accessed efficiently, screened from view, and exceeding the applicable minimum under chapter 3, part 4 of the HSEPP.

The site's location, scale and design provide an ideal context for reduced car dependence and transport-oriented development. With appropriate traffic and servicing analysis at DA stage, the project is expected to generate only modest traffic impacts, well within the capacity of the existing network, while delivering enhanced street interface, mode choice and transport sustainability benefits for future residents and the wider Woollooware community.

#### 4.6.3 Social impact assessment summary

##### Project context

The proposed development involves the delivery of approximately 200 dwellings in a mixed-tenure configuration including affordable housing, specialist disability accommodation (SDA), first home buyer, market and market build-to-rent apartments. The proposal is being advanced by PCH, a registered Tier 3 CHP, in partnership with Civic Disability Services Ltd, a long-standing local charity and registered CHP (Cawarra).

The project is being progressed under division 5 of the HSEPP and responds directly to the intent of that policy by delivering inclusionary, tenure-blind housing in a highly accessible, service-rich urban area. The site lies approximately 190 metres from Woollooware Station and is in walking distance of shops, public parks, employment, and education infrastructure. It also includes a purpose-designed community centre and public open space spine, supporting both resident wellbeing and broader community benefit.

The proposed development reflects a tested and viable model for delivering integrated, socially sustainable housing within the Sutherland Shire, and is consistent with the Ministerial Directions on Housing Delivery (2024).

#### Locality and demographic setting

- The Woollooware area is a relatively high-income locality with limited housing diversity. Dwelling stock is predominantly detached and semi-detached homes with lower levels of apartment housing than the Greater Sydney average.
- The area has limited affordable housing or social housing stock, with extremely low rental vacancy rates and rising housing stress indicators.
- Local residents are, on average, older, with higher rates of home ownership and a lower share of culturally and linguistically diverse (CALD) households compared to metropolitan benchmarks.
- Key workers that older residents rely on are not able to afford to live in the locality and the competition for the little available housing options is very high.
- Key social infrastructure is located within a 1 km radius, including Woollooware Bay Shopping Centre, medical facilities, schools, public open space, and transport nodes.

The social profile suggests that new affordable housing in this area can support both equity of access and broader demographic balance.

#### Predicted resident profile

Based on the unit mix and tenure configuration, anticipated resident characteristics include:

- Studio, one-, two-, and dual-key apartments will accommodate a range of household types including lone person households, couples, single parents, and small families.
- Civic Disability Services will manage supported tenancies within SDA apartments and provide on-site concierge and case coordination. The option exists for key workers to live on site.
- Tenancies will be targeted to key workers, single residents, and lower-to moderate income renters typically employed in the health, education, retail, care, and service sectors.
- Based on NSW affordable housing eligibility thresholds, the resident cohort is likely to span the low to moderate income bands, with an average household size between 1.5 and 2.5 persons per dwelling.

The project anticipates a diverse, working-age resident base with stable tenancy support and high potential for local economic and social integration.

### Key positive social impacts

- **Affordable and inclusive housing supply:** The scheme introduces 50% affordable housing (approximately 100 dwellings) into a high-demand market with limited existing stock. This directly addresses both state and local housing objectives.
- **Housing diversity:** The inclusion of dual-key apartments, SDA dwellings, and a range of apartment sizes promotes flexibility, tenure choice, and lifecycle housing models, filling a critical gap in the local market.
- **Social infrastructure provision:** A community centre, accessible open space, and landscaped linkages provide shared amenities for both residents and the broader community, strengthening social capital and providing venues for local engagement and services.
- **Equity and opportunity:** The project enables low- and moderate-income households to live close to transport, employment, and services, reducing spatial disadvantage and fostering social inclusion.
- **Demographic balance:** The scheme supports intergenerational and income diversity within a suburb characterised by relative homogeneity and rising exclusion pressures.
- **Design quality:** The proposal includes well-articulated buildings, passive surveillance, universal access, and generous communal areas, in line with the principles of Better Placed and Livable Housing Design Guidelines.

### Potential adverse impacts and mitigation

- **Neighbourhood perception and misunderstanding:** While some community concern may arise about tenant profile or development scale, experience shows that well-managed housing operated by CHPs generates no disproportionate impacts. PCH and Civic have clear eligibility, management, and engagement frameworks that have regulated oversight by statutory authorities to ensure successful integration.
- **Vehicle use and local traffic:** The project includes approximately 120 basement parking spaces to manage demand. While some increase in vehicle trips may occur, the proximity to transit and inclusion of car share and active transport infrastructure supports a sustainable modal balance.
- **Social stigma:** The design is tenure-blind, with affordable and SDA dwellings indistinguishable in layout or finish from other apartments. This promotes dignity and integration and mitigates social labelling.
- **Rail line proximity:** A Noise Impact Assessment is underway and will inform design measures including acoustic glazing and orientation of sensitive rooms to address potential impacts.

### Recommendations

- Finalise CPTED assessment and incorporate passive surveillance principles into detailed design.

- Retain and enhance universal design features and ensure SDA dwellings exceed minimum Livable Housing Design benchmarks.
- Continue coordination with Civic Disability Services to ensure on-site support is scalable and adapted to resident needs.
- Ensure robust landscape and communal space programming to support inter-resident engagement and broader community use.
- Develop a future community use strategy for the centre and open space, including management arrangements for shared events or programs.

### Conclusion social impact assessment

The proposed development at Woollooware represents a model of socially sustainable infill housing. It provides affordable, inclusive, and well-located homes for a diverse cohort while also delivering tangible public benefits in the form of new social infrastructure and green open space. The integration of SDA, affordable rental, and market housing within a single, coherent framework enables a housing response that meets both immediate need and long-term policy goals.

The social impact is strongly positive. The proposal is aligned with the intent of the HSEPP, responds to housing supply and affordability objectives in the South District Plan and Sutherland Shire Housing Strategy, and demonstrates best practice in design, tenancy management, and place integration. The option of Commonwealth support for the Civic housing provides a longer run model than the HSEPP 15 years for affordable housing.

### 4.6.4 Noise impact assessment summary

This summary outlines the expected acoustic considerations for the proposed development at Woollooware Road and Kingsway, Woollooware. While a site-specific acoustic report will accompany the subsequent DA, preliminary analysis has drawn on data from the nearby 1 Panorama Avenue project, assessed by Acoustic Logic in 2024. That project shares key contextual similarities and provides a relevant acoustic reference for early-stage compatibility assessment under division 5.

### Purpose of the preliminary review

The objective of this preliminary review is to:

- Identify likely acoustic risks arising from proximity to the T4 rail corridor,
- Understand implications for residential amenity, construction treatments and site layout,
- Establish the appropriateness of the site for RFBs under clause 39 of the HSEPP.

### Site and project characteristics

- The subject site is located to the south of Woollooware railway line.
- The site benefits from significantly deeper boundary setbacks than the Panorama site and offers opportunities for noise mitigation through landscape buffers, building orientation, and facade treatment.
- The proposed basement parking is well set back from the corridor and separated from the rail embankment by proposed access infrastructure and topography. This eliminates



common concerns relating to rail-aligned excavation or vibration effects typically raised by Sydney Trains.

- A majority of dwellings will be oriented perpendicular to the rail line or substantially away from it, with communal and SDA apartments concentrated away from the northern interface.

#### 4.6.4.1 Preliminary findings and relevance of benchmark study

##### Rail noise intrusion

At Panorama Avenue, measured noise levels were:

- Daytime: 58 dB(A) LAeq(15hr)
- Night-time: 54 dB(A) LAeq(9hr)

These were addressed through standard laminated glazing (10.38 mm to rail-facing façades; 6.38 mm elsewhere), acoustic seals, and non-ventilated internal wall linings. All targets under NSW noise criteria ( $\leq 35$  dB(A) bedrooms,  $\leq 40$  dB(A) living areas) were achieved.

Given the increased rail setback and building placement at Woollooware, it is expected that the same or lower acoustic treatment levels will be sufficient.

##### Vibration

At the Panorama site, measured vibration dose values (VDVs) were well below the “low probability of adverse comment” threshold:

- Day:  $0.02 \text{ m/s}^{1.75}$
- Night:  $0.01 \text{ m/s}^{1.75}$

These figures suggest that structure-borne vibration is not a significant issue within this rail corridor context. Given Woollooware's greater separation and landform, even lower exposure is expected. Nonetheless, further review will be undertaken during detailed design, particularly for basement-adjacent rooms or sensitive residential areas.

##### Mechanical plant noise

Any rooftop or plant-related emissions will be designed to meet the standard NSW intrusiveness and amenity criteria:

- Day:  $\leq 53$  dB(A)
- Evening:  $\leq 43$  dB(A)
- Night:  $\leq 38$  dB(A)

This will be managed at CC stage through appropriate selection and treatment of systems.

##### Conclusion and next steps

While this assessment relies on established data from a comparable local project, and site inspections of the engineer and the design team in formulating the design methodology the improved site geometry, orientation, and setback distances at Woollooware provide a clear basis to conclude that the site is acoustically suitable for the proposed development. The project will

incorporate a site-specific Noise Impact Assessment at DA stage, with a detailed design review to ensure compliance with all relevant criteria.

Initial testing supports that the site meets the compatibility requirements under clause 39 of the HSEPP. With the application of conventional, well-understood acoustic treatments, the development will deliver a high level of residential amenity while respecting the operational needs of Sydney Trains.

#### *4.6.5 Stormwater management summary*

##### *Overview*

At this stage of the proposal, a detailed stormwater management design has not yet been finalised. However, the development team has reviewed the site's drainage characteristics and relevant planning controls, and preliminary engineering investigations confirm that the site can accommodate a compliant, effective, and sustainable stormwater system. The infrastructure review and site inspection confirm there are no apparent barriers to lawful drainage discharge or to achieving Water Sensitive Urban Design (WSUD) outcomes consistent with Sutherland Shire council's requirements.

A detailed stormwater strategy, including on-site detention (OSD), quality treatment and flow control, will be prepared and submitted with the subsequent Development Application. It will be designed in accordance with:

- Australian Rainfall and Runoff 2019 (ARR2019)
- AS/NZS 3500.3 Plumbing and Drainage Code
- Sutherland Shire Council's Stormwater Management Development Control Plan (DCP)
- The NSW Government's Water Sensitive Urban Design and Managing Urban Stormwater guidelines.

##### *Site drainage capacity and opportunities*

The site has favourable physical attributes for stormwater management, including:

- A large, consolidated land area (~6,227 m<sup>2</sup>) with multiple street frontages, allowing for compliant setbacks, site grading and distributed outlet locations.
- A gradual south-to-north fall across the site, assisting with gravity drainage and minimising need for deep excavation.
- Capacity for detention tank placement in the basement level or in landscaped setbacks without impacting yield.
- Significant landscaped zones (including a minimum 30% deep soil area), allowing for biofiltration, soft infiltration and open space water retention.

The site also benefits from proximity to existing council stormwater infrastructure along both Woollooware Road and The Kingsway, which provides opportunities for lawful discharge subject to standard design and approvals.

### Indicative stormwater management principles

While a final design will be confirmed at DA stage, it is expected that the stormwater system will include:

- On-site detention (OSD) to limit post-development peak discharge to pre-development levels.
- Rainwater harvesting for non-potable reuse, such as irrigation and toilet flushing in common areas.
- Biofiltration systems integrated within the landscape design, treating runoff from hardstand and rooftop areas.
- Sediment and erosion controls consistent with the “Blue Book” (Managing Urban Stormwater: Soils and Construction, 2004).
- Overland flow paths and emergency drainage design to manage major storm events safely.
- Integration of water quality treatment devices (e.g. GPTs or filter baskets) at key discharge points.

These approaches will be informed by WSUD best practice and tailored to suit the scale and intensity of the development. Importantly, the inclusion of significant communal open space areas, setback zones and landscaped public domain improvements enhances the feasibility of these stormwater controls.

### Coordination with landscape and built form design

Stormwater design will be closely integrated with the landscape architecture and public domain elements of the proposal, including:

- A green open space spine with vegetated stormwater swales or raingardens.
- Tree pits and pervious surfaces in setback zones along The Kingsway and Woollooware Road.
- Use of roof gardens or landscaped podiums for rainwater attenuation and reuse.
- Coordination with basement placement and car park drainage to ensure stormwater is separated from any groundwater management.

These features not only improve environmental performance but also enhance the visual and recreational quality of the site’s public realm.

### Conclusion stormwater management

The Woollooware development site is well-suited to accommodate a compliant, effective and sustainable stormwater management system. While final hydraulic designs will be resolved at DA stage, preliminary review by the project engineer indicates that the site’s size, slope, and access to public drainage infrastructure support best-practice water management outcomes. Integration with landscape and built form elements will ensure that stormwater is not only managed efficiently but contributes to the project’s overall urban and environmental quality.

The project team recognises the importance of meeting all stormwater, flooding and water quality standards and will work closely with council and the assessment authority during the detailed design stage to ensure full compliance and optimal environmental performance.

#### 4.6.6 *Crime prevention through environmental design summary*

This section outlines the application of Crime Prevention Through Environmental Design (CPTED) principles in the proposed affordable and inclusive housing development at the corner of Woollooware Road and Kingsway, Woollooware. The project comprises approximately 200 dwellings—of which 50% will be affordable housing—including a mix of social, SDA, and key worker tenures. A new community centre, multiple communal open spaces, and extensive landscape treatments are embedded in the design, with passive surveillance, territorial reinforcement, and access control features incorporated from early planning stages.

##### Development context

- **Site location:** The development occupies a prominent corner site with over 170 metres of street frontage, located approximately 190 metres from Woollooware Station. It is bound by Kingsway to the south, Woollooware Road to the east, and the Cronulla rail line to the north.
- **Built form:** The proposal includes a series of apartment buildings between four and nine storeys in height, interspersed with generous public and private open space.
- **Public interface:** A central landscaped spine and through-site link provide publicly accessible spaces, while street-level entries and the proposed community centre serve as key activators of the frontage.

##### CPTED principles applied

###### Surveillance

- A large number of apartments and balconies directly overlook communal open spaces, the internal pedestrian link, and the surrounding streets.
- The ground floor community centre is strategically located to activate the central spine and Kingsway frontage, fostering regular, inclusive activity.
- Lighting and design elements ensure clear sightlines, visual permeability and passive observation across the site's edges and internal walkways.

###### Access control

- A secured residential lobby system will restrict access to private buildings, with swipe or intercom-based entry for residents and visitors.
- Vehicle access to basement levels is separated from pedestrian zones to reduce conflict and improve wayfinding.
- The public open space spine is framed by built form and landscaping, encouraging casual public use but clearly defining transitions to semi-private and private spaces.



## **Territorial reinforcement**

- Materials, planting, and lighting reinforce clear distinctions between public, communal, and private space.
- The central open space and community centre will support programmed activity, reinforcing the perception of ownership, care, and community presence.
- Integration of street trees, avenue planting, and wide footpaths on Kingsway support legibility and reinforce the public domain.

## **Space management**

- PCH will oversee site and tenancy management, including ongoing landscape maintenance, rubbish removal, and rapid response to graffiti or damage.
- The layout allows for unobstructed access for maintenance, service vehicles, and emergency response where required.
- The diverse mix of tenures ensures a steady pattern of site use across different times of day and week, increasing overall safety and reducing periods of inactivity.

### [The role of the community centre](#)

The inclusion of a community centre at the heart of the development plays a critical role in fostering safety, inclusion, and social cohesion. Unlike a commercial use that primarily serves transactions, this centre is designed to facilitate community support programs, small gatherings, classes, and resident events. It will serve tenants across SDA, affordable, and general housing components, and its visibility and location at the intersection of circulation paths creates a ‘safe heart’ for the site.

The centre will be publicly accessible during operating hours and will provide a welcoming, non-institutional setting that anchors social interaction and surveillance within the development.

### [PCH tenancy and safety policies](#)

PCH will manage the development in accordance with its established policies on:

- Managing anti-social behaviour and serious misconduct,
- Supporting tenants experiencing domestic and family violence,
- Encouraging community engagement and social connection,
- Collaborating with NSW Police, community services, and local council to maintain neighbourhood safety.

PCH’s operational model includes clear escalation pathways for tenancy issues, tenant participation programs, and regular on-site engagement to promote inclusion and reduce isolation.

### [Conclusion crime prevention through environmental design](#)

The Woollooware Road and Kingsway development applies CPTED principles holistically, from master planning through to tenancy management. It offers high-quality surveillance, clear access

hierarchies, distinct territorial boundaries, and a robust public interface, particularly through the integration of a community centre and communal open space.

This approach will not only ensure personal safety and comfort for residents and neighbours, but also promote inclusion, social sustainability, and neighbourhood acceptance—consistent with the objectives of the HSEPP and the principles of good design embedded in Better Placed.

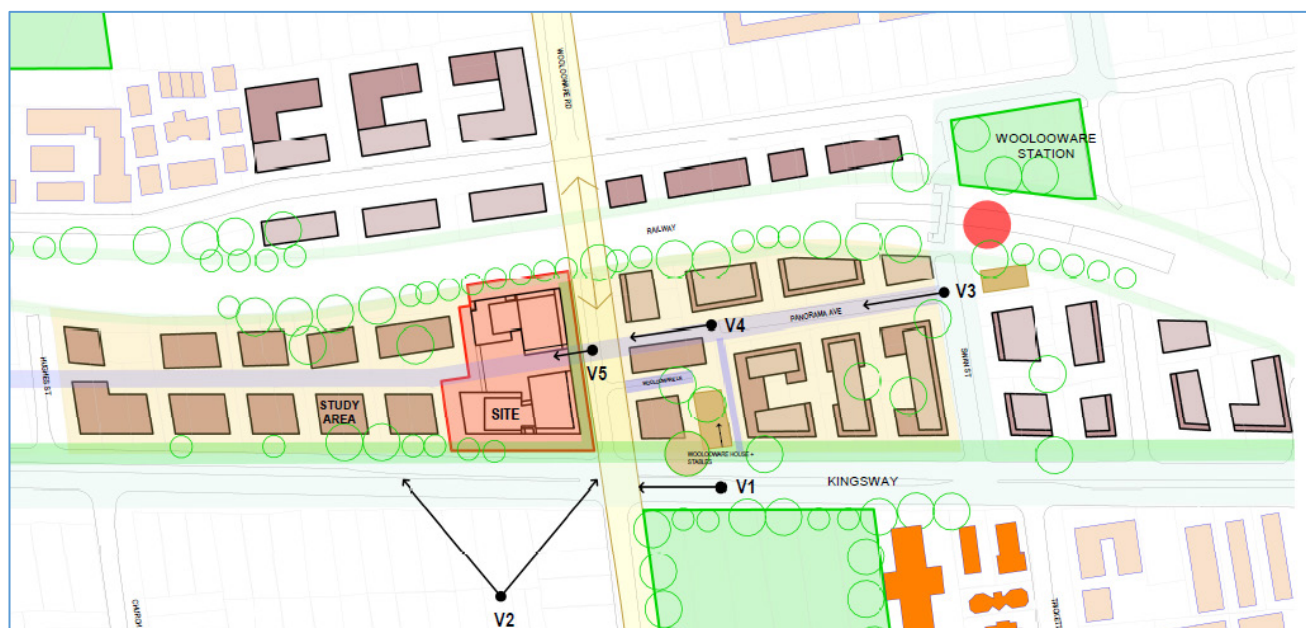
## 4.7 Desired future character of the Woollooware precinct

### 4.7.1 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.



**Figure 44 Woollooware precinct study area and view analysis indicators**

Stanisic architects have undertaken a built form analysis in the urban design report (Appendix B) and in that study they have modelled the proposed scale, heights and therefore the built form outcomes that are enabled by the chapter 6 land use controls in the HSEPP. Figure 39 shows a map of the study area and the various views points.

The subject site shown in Figure 39 comprises a rare 6227 m<sup>2</sup> amalgamated landholding on the southern side of Woollooware Station, currently zoned R2 low density residential. It is situated

within a predominantly urbanised context, surrounded on the north and east sides by land zoned R3 medium density residential. The site sits within a logical urban transition zone, where proximity to rail, existing infrastructure capacity, and strategic housing policy converge to support an uplift in residential density. In this case and policy context applied in assessment, density that can promote the provision of inclusionary principles of seeking to deliver the objectives of the EP&A Act to promote the delivery of new affordable housing.

The desired future character for this location—tested through the urban design analysis prepared by Stanistic Architects—is for a mid-rise, residential-led precinct that leverages accessibility and scale to deliver inclusive and sustainable housing. The vision includes:

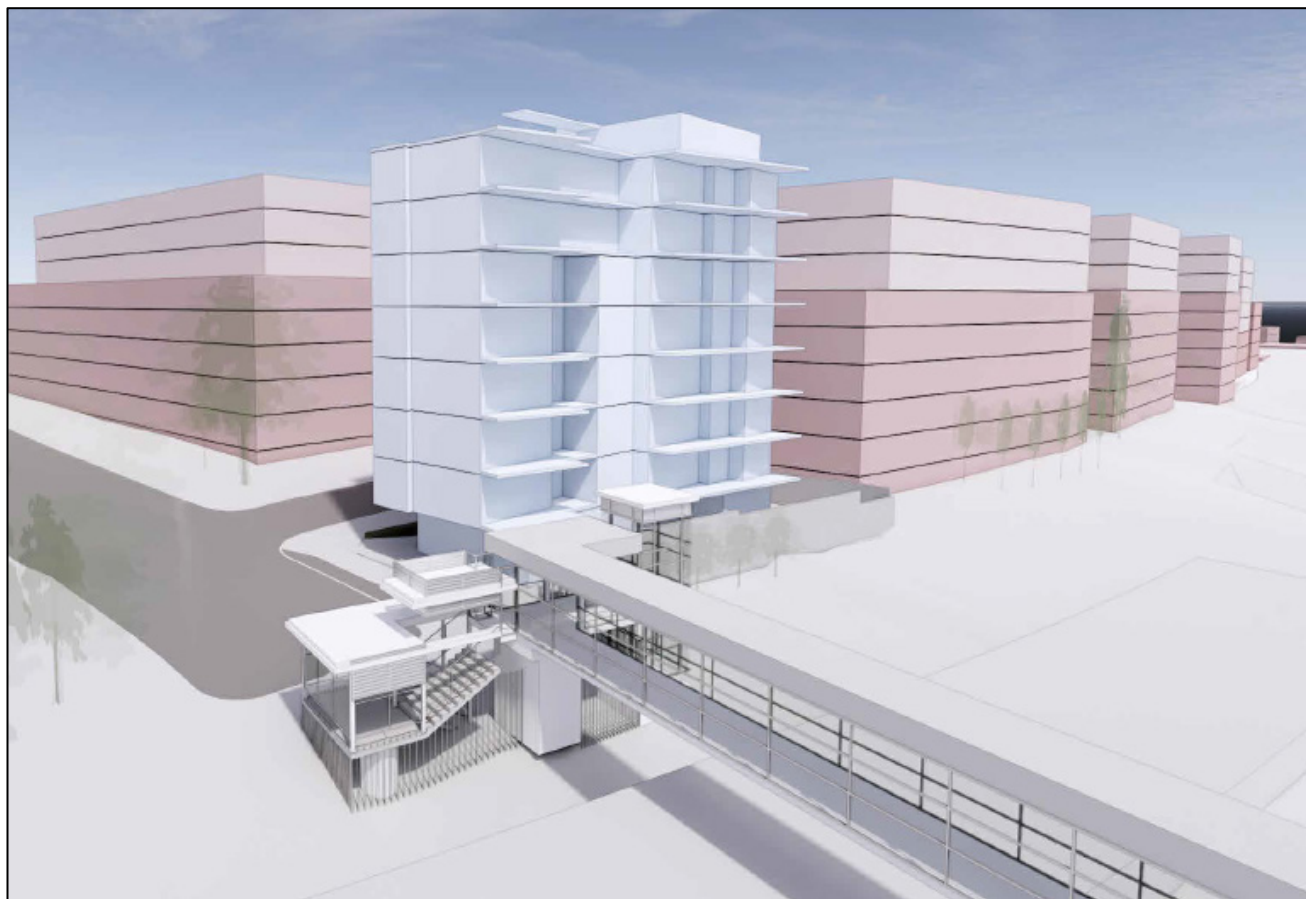
- Mid-rise RFBs of between seven, nine and ten storeys, addressing Kingsway and Woollooware Road with a legible and consistent built edge.
- Defined setbacks and landscaped frontages that reinforce the leafy character of the area and deliver improved pedestrian outcomes.
- Activated, publicly oriented spaces near the proposed community centre and along key frontages.
- A considered transition in scale toward the lower-density residential zone to the west. With significant setbacks to promote significant vegetation planting of mature trees.
- The integration of communal and rooftop open spaces to enhance amenity and encourage social interaction.

The proposal adopts a massing strategy that allows the built form to step down from higher levels at the railway and major road interfaces interface to stepped lower levels toward the western edge. This approach addresses both amenity and compatibility concerns, while supporting the principles of sustainable urban intensification.

#### *4.7.2 Urban design mapping and precinct morphology analysis*

The desired future character for the precinct comprises:

- Mid-rise RFBs (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 45 Desired character low mid-rise built form showing the building heights at Woollooware train station**

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.





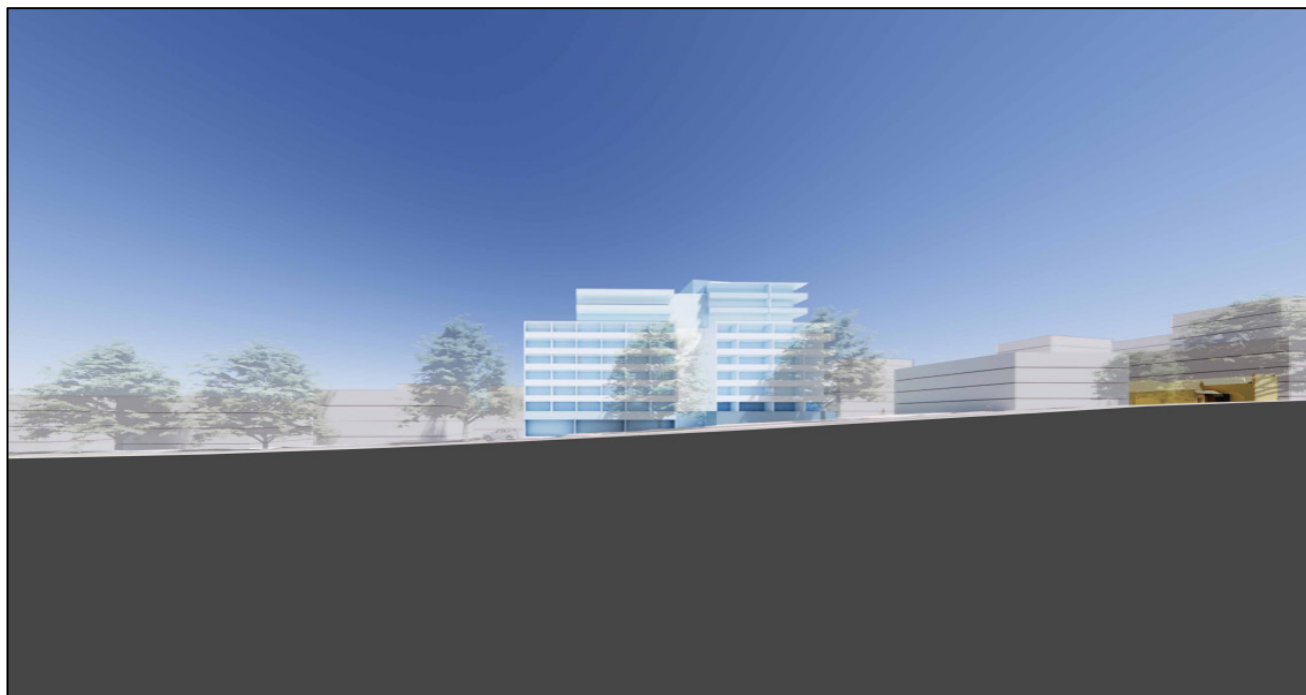
**Figure 46 Built analysis of the Woollooware inner core precinct chapter 6 controls (looking east)**

Stanisic Architects have modelled several built form scenarios for the site in relation to the broader Woollooware precinct and in alignment with chapter 6 of the HSEPP. The reference scheme identifies this part of Woollooware as a strategically located urban block capable of supporting a density of 2.73:1 FSR within a built envelope of up to 31.2 metres.

The analysis reveals the site’s capacity to deliver a mid-rise apartment development that:

- Reflects the transitional nature of the site from R2 to R3 zoned lands.
- Maintains consistency with anticipated development outcomes within the Woollooware station catchment area.
- Demonstrates internal compatibility through vertical articulation, podium definition, and rooftop modulation.
- Locates the community centre and new publicly accessible open space at a focal point between the residential precinct and the wider public domain.

Urban design mapping confirms that the scale, height, and configuration of the development support a cohesive urban grain while addressing streetscape scale, privacy, and solar access.



*Figure 47 view 1 from the Stanisic study*



*Figure 48 View 2 from the Stanisic study*



Figure 49 Proposed site edges deep soil tree planting





*Figure 50 Desired character low mid-rise built form from the Panorama study*



*Figure 51 View 3 from the Stanisic study looking west toward the site down Panorama Avenue*





**Figure 52 View 4 from the Stanisic study looking west toward the site down Panorama Avenue to through site link and new open space**



**Figure 53 View 5 from the Stanisic study looking west from Woollooware Road to through site link and new open space**



*Figure 54 View 5 with rendered materials*

#### *4.7.1 Contribution to the precinct character*

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

Providing a strong visual and functional anchor for the southern side of the station precinct.

- Defining the Kingsway and Woollooware Road frontages through generous setbacks and continuous canopy tree planting, consistent with council’s avenue vision for the corridor.
- Establishing a gateway corner adjacent to the station that accommodates a landmark architectural form and public-facing entry to the community centre.
- Supporting walkability and social sustainability through landscaped accessways, rooftop terraces, and community-focused ground-level design.
- Delivering a large number of affordable dwellings in a format that supports social cohesion and demographic diversity.

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.

Importantly, the development demonstrates strategic alignment with division 5 of the HSEPP, including clause 39 (compatibility with surrounding land uses) and the objectives of the Ministerial Directions on Housing Delivery 2024. By unlocking the redevelopment potential of a large,



amalgamated site—while respecting its R2 zoning constraints—and taking advantage of an unusual, amalgamated land holding in an area of high housing constraint and stress, the project sets a benchmark for future mid-rise, inclusionary housing within station-adjacent urban environments.



*Figure 55 Woollooware precinct modelled to mid-rise controls (looking west)*

## 4.8 Consultation with council

On 14 May 2025, the project team comprising representatives from PCH , Civic Disability Services Ltd, Stanisic Architects, Pacific Economics and Strategy, and Pacific Planning met with senior staff from Sutherland Shire Council’s planning department. The council attendees included the Director of Planning, Mr Stewart Rodham, and senior assessment staff Ms Sue McMahon and Ms Beth Morris.

The meeting provided a valuable opportunity to present both the Panorama Avenue and Woollooware Road schemes within the broader context of the Woollooware precinct and its evolving residential character. Stanisic Architects presented the early concept design for the Woollooware Road project, outlining the proposed massing, landscape strategy, urban interface, and housing mix—including the significant affordable housing component and proposed integration of a community facility.

While the focus of some specific comments related to the Panorama Avenue scheme, council’s feedback also contributed to the refinement of the Woollooware Road proposal. The discussion acknowledged the strategic potential of the large, amalgamated landholding on Woollooware Road and the opportunity to facilitate a compatible, mid-rise urban outcome adjacent to the station. At the time, it was advised that due to the scale of the project and its broader policy alignment, the applicant would be seeking an assessment pathway via state-led mechanisms—either through the

Housing Delivery Authority (HDA) or by lodging a SCC under division 5 of the HSEPP, followed by a SSD application.

Despite the fact that council will not be the consent authority or the planning proposal authority under either scenario, the assessment manager and the council's planning director acknowledged the strategic merit of the proposal and indicated a willingness to constructively engage with the project through its planning lifecycle. Council expressed interest in contributing feedback to ensure the development's design outcomes positively contribute to the Woollooware precinct, particularly in relation to built form integration, landscaping, and broader public domain interface improvements.

Key themes and design guidance from the meeting that informed both projects included:

- Significant support to implement planning pathways that seek to implement new affordable housing investment.
- The importance of creating a landscaped interface along street frontages and limiting hardstand areas, including opportunities for avenue-style planting along The Kingsway consistent with council's emerging public domain aspirations.
- The importance of setbacks on project edges where they interface with exiting development with potential for future development and how these set back areas can and should be designed to incorporate significant tree planting between built forms to maintain the landscape context of the locality (Figure 49).
- A general endorsement of high-quality communal spaces and rooftop open space that supports social integration and environmental design outcomes.
- An expectation that proposals in this precinct should be legible, finely articulated, and responsive to surrounding land use interfaces, including a managed scale transition to lower-density neighbours.
- Council noted the challenge of reconciling non-residential uses including food and drink premises, with the permissibility settings of the R2 and R3 zones, and acknowledged that alternative mechanisms (such as enabling clauses, ancillary use merit assessment) may be needed.
- Council did not express opposition to the overarching vision for the Woollooware Road site but encouraged the proponents to continue refining the built form response to ensure compatibility and alignment with amenity and interface expectations.

The feedback received during this meeting has informed ongoing development of the concept scheme submitted with this SCC application and will be further addressed during the detailed development application process and will continue through the project lifecycle noting that on completion the council will be an important stakeholder in the future open space and community uses in the scheme.



## 4.9 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 at times posed challenges—particularly at the local assessment level—PCH has demonstrated persistence, creativity, and a genuine commitment to delivering socially beneficial development outcomes. Over the past several years, PCH has proactively built strategic partnerships with other experienced organisations in the community housing sector, leveraging both internal capacity and external expertise to advance projects that align with the policy intent of the HSEPP.

One such example is the Heathcote Affordable Housing Project, which was recently granted development consent following a collaborative and professional assessment process led by council’s Manager of Assessments. That project—now transitioning to Civic Industries and their registered CHP, Waratah Housing—is fully funded and supported under a Commonwealth housing program. It will deliver 19 new social housing dwellings with secure affordability guaranteed over a 25+ year period. The project demonstrates the capacity of the proponent group to work constructively within the NSW planning framework and to deliver practical housing outcomes that serve the needs of local communities.

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.

### The role of the SCC in supporting delivery integrity

The Woollooware Road project was initially presented to the Housing Delivery Authority (HDA) through its Expression of Interest (EOI) process in January 2025. The proponent team—including PCH, Civic Disability Services Ltd, and specialist delivery and design consultants—considered the project to be strongly aligned with the objectives of the HDA and the broader state housing agenda. The proposal comprises a significant, amalgamated landholding located within 190 metres walking distance of Woollooware Station and offers a scheme that delivers over 50% affordable housing—well above the minimum requirement for bonus provisions under the HSEPP. The project also integrates Specialist Disability Accommodation (SDA), on-site support, and a mix of tenures including key worker housing.

Despite these strengths, the project was ultimately excluded from the HDA’s shortlist in February and then again in May. This outcome arose not from a failure of merit, but from briefing materials and internal assessments that contained factual inaccuracies and procedural misunderstandings. These included mischaracterisations of the project’s yield, funding structure, claims of a lack of

commitment to affordable housing, and transport accessibility of the site—despite clear evidence to the contrary being on the public record.

Of particular concern was the assertion, made during formal feedback, that the project lacked a “genuine commitment to affordable housing.” This claim was not only demonstrably false, but contrary to the documented financial structure, governance model, and public engagement undertaken by PCH and Civic. The project team had provided extensive documentation of the affordability model, long-term commitments from registered CHPs, and landowner contributions to enable its delivery. These were not considered in the final determination. The effect of this was not merely reputational—it materially impacted the project’s ability to secure early-stage capital and placed its delivery at risk. Why the planning system has operated to date in such a perverse way to the government’s objectives may never be known.

This experience highlights the critical importance of procedural fairness, strategic alignment, and transparent decision-making in the planning system. When local assessments and state-led processes are not synchronised with the structure and intent of statutory instruments—such as the HSEPP—there is a real risk that housing delivery will be delayed, distorted, or entirely lost. The consequences are borne not only by proponents, but by communities in urgent need of affordable, inclusive, and well-located housing.

In this context, the SCC process established in 2009 emerges not only as a planning mechanism, but as a necessary enabler of housing delivery. For CHPs and not-for-profit developers such as PCH, the SCC provides an essential foundation of certainty. It affirms that a proposal meets the strategic and locational criteria of the HSEPP, and that it is compatible with surrounding land uses even where existing local controls prohibit such development.

The SCC has a particular function in de-risking projects at early stages. It supports proponents to:

- Secure grant funding or capital contributions under programs such as Housing Australia’s HAFFF initiative.
- Enter into contractual arrangements with builders, support service providers, and finance partners.
- Align the development model with expectations of both state planning policy and the National Regulatory System for Community Housing (NRSCH).
- Provide internal governance sign-off to proceed with acquisition, design investment, and DA progression.

Without a clearly articulated and reliable SCC process, smaller CHPs and social impact developers remain exposed to procedural uncertainty. This limits their ability to compete in housing markets increasingly shaped by scale, speed, and investor confidence. In practical terms, this means fewer homes, longer delays, and missed opportunities to respond to the housing crisis at a local level all attributes that are completely at odds with the Premier, Planning Minister and Housing Ministers’ public statements on desired outcomes.

In response to the shortcomings experienced through the HDA pathway, PCH and its partners have chosen to progress the project through the formal SCC mechanism under division 5 of the HSEPP. This approach is not adversarial—it is statutory, policy-aligned, and designed to support precisely

the kind of socially beneficial housing this project represents. The project is demonstrably compatible with its surroundings, strategically located, and backed by delivery partners with a strong record of community stewardship. The SCC is a vital step to unlocking its potential.

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

#### *4.9.1 Active uses to support social and community harmony*

The proponent seeks the department's support in addressing the permissibility of active ground floor uses—such community-serving tenancies, Community centre, ancillary café's—on the subject site. While these uses contribute meaningfully to the financial sustainability of the proposal, they also serve a broader public interest function, promoting local engagement, wellbeing, and social inclusion.

Under the Sutherland Shire Local Environmental Plan 2015, development for the purpose of a café or food and drink premises is not currently permitted within the R2 low density residential zone. However, the strategic importance of such active uses is widely acknowledged in state planning frameworks, particularly in relation to affordable and inclusive housing models. A well-located café or similar space can serve as an informal community anchor, providing a place for residents—including older persons, people with disability, and moderate-income households—to gather, connect, and participate in neighbourhood life.

This function is particularly important for projects with a mixed resident profile and a strong emphasis on inclusion. The proposed ground floor community centre and open space have been designed to promote interaction and ease of access, with the potential for additional active uses to further enhance placemaking, safety, and vibrancy. These benefits are well aligned with the social objectives of the EP&A Act and the strategic outcomes sought by the HSEPP.

In addition to its social function, the inclusion of an active ground floor tenancy may assist in underwriting the ongoing costs of housing management, activation, and amenity—particularly in a build-to-rent model that includes deep affordability. The ability to integrate small-scale commercial or communal uses at grade level is critical to the long-term financial and operational sustainability of this project.

We acknowledge that this matter intersects with planning instrument provisions outside the immediate scope of the HSEPP. However, in the context of a strategically significant SCC application and in line with the enabling intent of division 5, we respectfully request that the secretary consider the following options to support a flexible and place-based planning outcome:

- Provide guidance on whether a ground floor café or similar use can be considered compatible development under the HSEPP framework, particularly in conjunction with an affordable housing-led mixed tenure model. The scheme as designed by Stanasic's shows a key nodal point at the corner of the through site link on Woollooware Road and key interface that may benefit from an active use at the corner entrance to the through site link (Figure 50).

- Consider including an advisory note in the SCC that recognises the strategic and community benefit of a limited active use on the ground floor, to be addressed further at the development application stage. This could include consideration of mechanisms under section 4.28 or 3.34 of the Act to allow for an enabling amendment to the standard instrument, should that be required.
- Explore whether the department’s policy team may exercise discretion to provide a formal interpretation or temporary policy mechanism to facilitate such uses were aligned with public benefit and project viability.

In summary, the proposal seeks not only to deliver high-quality affordable housing but to do so in a way that enhances local social cohesion and supports the wider Woollooware precinct. Enabling active ground floor use will materially assist in achieving these outcomes and warrants support as part of a balanced, integrated, and community-oriented planning solution.



**Figure 56** *Through site link may benefit from a small active uses on the entry point such as a café.*

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 a process for immediate transition to progress and SSD application.
- Provides the certainty necessary to support early-stage Commonwealth funding proposals, and other key project delivery stakeholders 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 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 proposed development promotes the principles of ecologically sustainable development by making efficient use of a large, amalgamated site within 190 metres of Woollooware railway station—an underutilised urban parcel with exceptional public transport access. The design incorporates deep soil zones exceeding minimum standards, retention and reinforcement of established street trees, and the creation of multiple communal open spaces, including landscaped ground areas and activated rooftop terraces.

The project includes a mix of adaptable and dual-key housing typologies that support long-term flexibility and improved accessibility outcomes. It promotes active transport through the provision of bicycle and scooter parking, direct pedestrian links to the station, and strong integration with the local footpath network and future green corridor along The Kingsway.

The proposal has been developed through a collaborative, multidisciplinary design process, led by Stanasic Architects and informed by expert inputs across architecture, social planning, environmental sustainability, urban design, and affordable housing delivery. The design supports climate resilience, equitable access, and efficient land use—delivering an urban renewal outcome that aligns with the sustainability objectives of the EP&A Act.

### **Orderly and economic use of land (s.1.3(c))**

The subject site comprises an amalgamated landholding of nine residential lots in a low-density residential zone, immediately adjoining Woollooware railway station. Despite its strategic location and proximity to high-frequency public transport, the land is currently developed with low-yield detached dwellings, many of which are aged and nearing end-of-life utility.

The proposed development enables a mid-rise residential flat building scheme that delivers approximately 200 dwellings, more than 50% of which will be designated as affordable housing. This represents a significant uplift in housing capacity aligned with the precinct's locational attributes and infrastructure access. The proposal makes efficient use of urban land in a walkable, serviced environment—contributing to housing supply without placing undue pressure on road networks or requiring costly extensions to utilities.

The built form, height, and density are shaped by the principles of chapter 6 and clause 39 of division 5 of the HSEPP, and reflect a considered response to local context, including transitions to lower-scale development to the west. The proposal supports the efficient use of existing infrastructure, the clustering of medium-density housing near transit, and the advancement of social and economic policy outcomes in a cost-effective and spatially responsible manner.

### **Delivery of affordable housing (s.1.3(d))**

The proposed development will deliver more than 50% of dwellings—approximately 100 apartments—as affordable rental housing under division 5 and clause 40 of the HSEPP. These dwellings will be managed by PCH, and Civic registered CHPs, for a minimum period of 15 years, ensuring secure, long-term affordability. There are options to engage with the Commonwealth to support longer run periods of affordable housing for 25 years for the Civic assets.

This commitment directly addresses the acute shortfall of affordable rental housing in the Sutherland Shire, where low- to moderate-income households—including essential workers, older renters, and people with disability—are increasingly priced out of the private market. The proposal contributes significantly to the LGA's affordable housing stock, which is currently below regional benchmarks, and supports housing choice in a locality that has historically lacked tenure diversity.

By integrating affordable housing within a high-amenity, transit-accessible location, and delivering it alongside social housing and specialist disability accommodation, the project advances the social objectives of the EP&A Act and the policy intent of the HSEPP.

### **Good design and amenity (s.1.3(g))**

The proposed development has been designed in accordance with schedule 9 of the HSEPP – *Design Quality of Residential Apartment Development* – and the principles of the *Apartment Design Guide* (ADG). The reference scheme has evolved through a detailed urban design process led by Stanasic Architects and demonstrates the following attributes:

- Well-considered building setbacks, articulation, and modulation that reduce visual bulk, enable transitions to surrounding development, and create a human-scaled public realm.
- Strong passive environmental performance, with natural solar access and cross ventilation provided to a majority of apartments in accordance with ADG benchmarks.

- Generous and varied communal open space areas, including rooftop terraces and a ground-level public courtyard connected to the proposed community centre.
- Integration of landscape and deep soil zones along Woollooware Road and Kingsway to support canopy trees, improve visual amenity, and enhance local biodiversity.
- A refined architectural response that anchors the southern edge of the Woollooware Station precinct while respecting the low-rise character to the west.
- Inclusion of an active ground floor tenancy fronting the community centre and internal open space, which enhances legibility, supports informal surveillance, and delivers social benefit.

The scheme has been guided by the six urban design principles outlined in the supporting urban design report and aligns with the desired future character of a mid-rise, transit-oriented housing precinct. The proposal balances high-quality design and amenity with economic feasibility and social need, demonstrating consistency with the good design objectives of the EP&A Act.

## 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 HSEPP 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 RFBs 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

The proposal demonstrates strong alignment with the objectives of the HSEPP 2021, responding directly to the need for diverse, well-located, and socially inclusive housing.

#### Detailed assessment of proposal alignment

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

The development delivers a build-to-rent residential flat building comprising over 100 apartments in a shop-top housing configuration, including a variety of studio, 1-, 2-, and 3-bedroom dwellings. The project incorporates dual key apartments to support disability-inclusive housing models, including Civic's NDIS/SDA operations.

The inclusion of a ground floor community-oriented space (e.g. café or meeting area) supports the broader functionality of the site and builds on the precinct's community-focused vision. Together, the design promotes housing diversity across typology, tenure and form. This includes affordable, social, and market rental tenures within a single, inclusive model.

***(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 project includes 50% of dwellings dedicated as affordable rental housing, to be managed by PCH, a registered CHP. The design includes:

- NDIS Specialist Disability Accommodation (SDA) compatible dwellings.
- Adaptable apartments meeting AS 4299.
- A diverse mix of dwelling sizes, suiting lone-person households, key workers, older residents, couples, and small families.

This supports the co-location of clients and workers of Civic Disability Services and offers practical housing pathways for vulnerable tenants at risk of displacement due to high local housing costs.

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

The development meets or exceeds ADG and schedule 9 design standards for apartment buildings, including:

- 100% of units achieve 2+ hours of direct sunlight to living rooms and open space.
- High rates of natural cross ventilation.
- 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.
- Strong separation, acoustic privacy, and solar control.
- Extensive communal spaces across podium and rooftop levels, offering varied amenity opportunities.
- Thoughtfully landscaped public open space integrated with the proposed community centre.

The scheme is spatially generous and modulated to support comfort, privacy, and quality of life for a wide range of residents. The design is also informed by privacy, outlook, acoustic comfort, 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 within a short distance 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.

This is a highly accessible, well-serviced location, consistent with transit-oriented development principles. The project leverages existing infrastructure and promotes efficient urban renewal in line with the Ministerial Directions on Housing Delivery 2024.

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

The development reduces environmental impact by:

- Using deep soil landscaping (30%) and overall landscaped area, supporting tree canopy growth, local cooling, and biodiversity exceeding SEPP minimums
- Including bike parking, pedestrian access, and adaptable apartment design that reduces embodied carbon over time.
- Basement car parking to avoid at-grade hardstand
- Avoiding excessive basement excavation by locating basement design with access from lower points of the site, which assists to reduce upfront embodied emissions and construction waste.
- A landscape strategy that includes avenue planting along The Kingsway and retention of existing heritage tree features.
- Lower car parking rates supported by public , shared and active transport access
- Passive solar design, cross-ventilation, and sustainable water management (to be further refined at DA stage)

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 project has been designed with careful consideration of the transition between:

- R2 zoning on the site and adjacent R3 zones to the north and east
- Providing an upper level built form that is stepped and modulated to reduce perceived scale and transition to surrounding buildings from east to west.
- Incorporating a material palette and articulation that are contemporary yet contextual, referencing nearby housing forms without mimicry.
- Integrating a landscaped setback to the west, as requested by council, to ensure visual and environmental compatibility and an area for significant new tree planting.

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.

The building is modulated and stepped, with a refined residential frontage, significant public domain upgrades, and a proposed traffic access, pedestrian connection and open space node to support future integration of western sites. The overall built form establishes a new benchmark for mid-rise precinct planning in the Woollooware locality.

***(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.

The scale of the project does however provide future options for short-term rental accommodation as may be required by the services offered by the CHPs to meet community need.

***(h) Mitigating the loss of existing affordable rental housing***

The site currently accommodates nine ageing detached dwellings, most of which are nearing obsolescence and would require substantial investment to upgrade. The proposed redevelopment replaces these with a new build-to-rent apartment building comprising over 100 units, of which 50% will be secured as affordable housing for a minimum of 15 years in accordance with clause 40 of the HSEPP.

While this tenure period meets the minimum standard, there is potential for significantly longer-term affordability if Civic’s supported housing model—delivered in partnership with PCH—can secure Commonwealth funding. This outcome has precedent: Civic’s Heathcote affordable housing project, approved and supported by Sutherland Shire Council, is now transitioning to deliver social housing under a 25-year secured affordability model following federal funding support.

The capacity to replicate such outcomes at Woollooware hinges in part on early-stage planning certainty. As stated earlier in this report the HDA process has unfortunately been counterintuitive to that outcome. A clear, lawful and efficient assessment process through the SCC pathway is essential to de-risk the project, trigger Commonwealth engagement, and facilitate longer-term financing and delivery structures. While the statutory framework to support this form of housing has been in place since 2009 and was recently enhanced via the declaration of SCC-based

schemes as state significant development, the success of this model rests heavily on the planning system functioning as intended.

If the department and council in its role applies the HSEPP provisions transparently and expediently, this project can unlock deeper, longer-run affordability outcomes with clear alignment to state and national housing policy objectives.

#### 5.2.1.2 Legislative operation of division 5 – statutory preconditions

This section is informed by senior legal advice obtained by PCH from Mr Jason Lazarus SC and Mr Justin Doyle, Barrister, dated 10 August 2023. The advice was sought to clarify the statutory operation of division 5 of the HSEPP, particularly in the context of residential flat buildings (RFBs) proposed on land where such uses are otherwise prohibited under a local environmental plan (LEP). This interpretation underpins the planning justification for the Woollooware Road SCC application and supports a robust and informed application of the statutory framework.

#### Original policy intent

When division 5 was originally introduced under the former State Environmental Planning Policy (Affordable Rental Housing) 2009, the Department of Planning noted:

"The purpose of introducing site compatibility certification under the Affordable Rental Housing SEPP is to facilitate redevelopment of land near key railway stations and nominated cities and towns without the need for a rezoning, if the proposed development is compatible with surrounding land uses."<sup>27</sup>

This objective remains applicable under the current HSEPP and provides the interpretive basis for how compatibility should be assessed. The SCC is not a standard merit test—it is a threshold mechanism designed to determine whether the proposed built form can coexist within its context, thereby enabling the subsequent development application process.

#### Overview of division 5 operation

Division 5 of the Housing SEPP provides a planning mechanism that permits residential flat buildings on land where they are otherwise prohibited, provided that:

- At least 50% of the dwellings are delivered as affordable housing.
- The project is delivered by or on behalf of a community housing provider (CHP) or government agency.
- A site compatibility certificate (SCC) is issued under clause 39, certifying that the development is compatible with surrounding land uses.

If these requirements are met, clause 38 allows development consent to be granted for an otherwise prohibited RFB, overriding local LEP zoning provisions.

#### Key legal provisions

Clause 38 – Development with consent

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<sup>27</sup> Planning NSW - *DIRECTOR-GENERAL'S SITE COMPATIBILITY CERTIFICATE GUIDELINE FOR APPLICATIONS* October 2009

- Clause 38(2)(a) prohibits development consent unless the secretary has issued an SCC declaring the RFB to be compatible with surrounding land uses.
- Clause 38(3) allows the consent authority to undertake a full assessment of the development application (DA), but the SCC must be given significant weight.

#### Clause 39 – Site compatibility certificates

- The secretary must consider:
  - Existing and approved land uses.
  - The likely impact of the proposal, including its bulk and scale.
  - The availability of infrastructure and services.
  - Potential environmental risks.
- The certificate relates to the specific building and form described in the application and is valid for five years.

#### Legal interpretations and planning implications

##### Compatibility does not require sameness

- A compatible development does not need to replicate surrounding development.
- Compatibility means that the proposed use can reasonably coexist with its context.
- It is permissible for the proposal to exceed height or FSR limits, particularly where the site exhibits characteristics like proximity to public transport, large site area, or transitional land use setting.

#### Clause 4.6 and exceedance of LEP development standards

- Clause 4.6 of the Standard Instrument LEP provides a pathway for variation of numerical standards where strict compliance is unreasonable or unnecessary.
- A development application lodged under division 5 that exceeds height or FSR controls under the LEP must include a clause 4.6 request.
- The legal advice clarifies that the clause 4.6(4)(a)(ii) requirement to demonstrate consistency with zone objectives should be interpreted in light of the HSEPP overriding the LEP. That is:
  - The LEP prohibits RFBs in the relevant zone.
  - The HSEPP permits them subject to an SCC.
  - Therefore, zone objectives preventing RFBs should not be used to invalidate a clause 4.6 request.
- Clause 1.9 of the SSLEP ensures that the HSEPP prevails to the extent of any inconsistency.
- In November 2023 subsequent to this referenced advice, three legislative amendments have been made to deliver clause 4.6 reforms:



- An amendment to the Standard Instrument LEP Order (Amending Order).
- An amendment of *Environmental Planning and Assessment Regulation 2021* (Regulation Amendment).
- Amendments to environmental planning instruments through the *State Environmental Planning Policy Amendment (Exceptions to Development Standards) 2023* (Amending SEPP).
- The effect of these changes means:
- the consent authority no longer needs to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the zone.
- the secretary's concurrence is no longer required.

#### State significant development (SSD) applications

- If the DA is declared SSD under the Environmental Planning and Assessment Act 1979 (EP&A Act), the Minister (or delegate) becomes the consent authority under Division 4.7 of the Act.
- Clause 4.6 of the LEP remains applicable to SSD applications unless explicitly excluded.
- The Minister or delegate may approve a clause 4.6 variation in the same manner as a consent authority at the local level.

#### Relevance of recent government policy

The NSW Government's September 2024 progress report on the National Planning Reform Blueprint<sup>28</sup> reinforces and clarifies this intent. Measures identified in the Blueprint emphasise:

- Fast-tracking affordable and diverse housing in infrastructure-rich, accessible locations.
- Using alternative SEPP-based planning pathways to deliver strategic housing outcomes.
- Prioritising delivery over rigidity where a project demonstrates clear social and urban benefits.

These directions support the legal advice that division 5 should be interpreted flexibly, as a tool of strategic facilitation—not regulatory resistance. The Woollooware Road proposal, situated within 190 metres of a train station and offering 50% affordable housing, on land within the inner core is a textbook example of the kind of development division 5 was intended to enable.

#### Conclusion

A site compatibility certificate issued under Division 5 provides a valid and defensible statutory pathway to enable affordable housing on land otherwise zoned to prohibit residential flat buildings. Once issued:

- The certificate establishes permissibility for the purposes of the subsequent DA.

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<sup>28</sup> NSW Government – NSW progress report - National Planning Reform Blueprint September 2024

- A clause 4.6 variation can lawfully support exceedance of height or density controls.
- The compatibility test under clause 39(6) should be interpreted with reference to the strategic context and purpose of the HSEPP.
- LEP zone objectives cannot be rigidly applied to frustrate development that has satisfied the HSEPP's thresholds and the primary objectives of the NSW Government's housing policy agenda.

#### 5.2.1.3 – Clause 39(6) test

Under Clause 39(6) of the HSEPP, the secretary must not issue a SCC for a building 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**

Subject site is surrounded and in close proximity by a mix of:

- Detached and semi-detached dwellings.
- Several existing RFBs, 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 and as modelled by the Stanisic report. 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.

The site is currently occupied by low-density detached dwellings but is located within 190 metres of Woollooware Station and is surrounded on two sides by land zoned R3 medium density residential to the north and east. To the southeast existing and recently approved RFBs are evident,

forming part of a gradually intensifying residential corridor. More recent applications and those anticipated in the Woollooware precinct show a change in urban character.

The site is situated in a strategic infill location identified by both the HSEPP (chapter 6 and schedule 11) and Transport for NSW's transit-oriented planning framework as suitable for mid-rise housing within 400 metres of rail. It is part of an urban setting transitioning toward a well-located, medium-density environment that includes diverse dwelling types, affordable rental options, and enhanced public domain integration.

The proposed use—a residential flat building comprising 50% affordable dwellings managed by a registered CHP—is both permissible under division 5 and strategically consistent with the desired future character as defined under the HSEPP and the South District Plan.

### **(ii) Bulk and scale impact on surrounding and future uses**

The proposed scheme at 2.73:1 FSR and 31.2 metres in height has been subject to extensive design testing and refinement to ensure it aligns with both current built form and future strategic expectations. The following elements demonstrate a compatible and context-responsive approach:

- The proposed height is within the 31.2 metre cap permitted under the SEPP where bonus provisions apply directly adjacent to the site.
- The development incorporates generous street setbacks, particularly along The Kingsway and Woollooware Road, with deeper setbacks proposed to support tree planting, public domain improvement, and active transport infrastructure.
- The transition to the western interface has been carefully managed through a tapering in built form, stepping down in built form from east to west and incorporating extensive deep soil zones for significant new tree planting and visual separation.
- The scheme introduces new connections and permeability through the site, supporting future renewal of adjoining properties and enabling broader strategic development of the Woollooware precinct.
- Building modulation, articulation, and material variation all assist in breaking down bulk and supporting neighbourhood character integration.
- The proposed open space network—including at-grade public access, communal rooftop areas, and an interface with the proposed community centre—supports liveability and reinforces compatibility with adjacent and future uses.

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. The Stanisic study and platform to support the future detailed design process shows that the scheme meets the compatibility requirements.

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 site is demonstrably well-serviced by both physical and social infrastructure, supporting its capacity to accommodate the proposed residential flat building without adverse effect.

#### Essential services and utilities

As outlined in the Infrastructure Assessment by Tooker and Associates, the site is currently serviced by infrastructure that meets or exceeds the demand requirements of the proposed development:

**Sewer:** The existing 150mm diameter gravity sewer line can accommodate up to 600 equivalent persons (EP), and the proposed development, including upstream demand, will total only 545 EP. The sewer system is therefore sufficient.

**Water:** The Kingsway is serviced by a 300mm water main—more than capable of supporting high-density development. This exceeds the typical 200mm requirement for multi-residential development and is compatible with future growth.

**Electricity:** The local high-voltage network has ample capacity (4,000 kVA vs. 900 kVA demand). A substation is located 500m from the site if augmentation is required. Power servicing is not a limiting factor.

**Gas:** Existing supply is sufficient, with future provision capable of being extended if required—though this may be minimal due to the low-emissions design intent of the project.

**Telecommunications:** The site has NBN infrastructure on both frontages, with supplementary Optus infrastructure nearby.

#### Transport and connectivity infrastructure

The project enjoys exceptional access to public transport:

**Rail:** Woollooware Station is directly adjacent, offering high-frequency rail access to Cronulla, Sutherland and Sydney CBD.

**Bus:** The Kingsway provides multiple bus routes, with stops within short walking distance.

**Pedestrian and active transport:** The site is integrated into the local footpath network, and bike parking is included in the scheme to encourage active modes.

Furthermore, the development includes car share facilities and promotes walkability and low-emissions lifestyles—demonstrating alignment with state and local transport policy objectives.

#### Social infrastructure and community facilities

The proposal benefits from proximity to existing and emerging social infrastructure:

A new community centre and park is proposed as part of the broader precinct planning vision, to which this development directly relates. These elements are not speculative but integral to the precinct design and funded as part of the planning process.

The site is within walking distance to key local destinations including:



- Woollooware Bay Shopping Centre
- Cronulla Beach and associated coastal recreation areas
- Primary and secondary schools, including Woollooware High and St Francis de Sales
- Medical and allied health services distributed across Cronulla and Caringbah
- A network of open space corridors and active sport facilities

These elements form part of a well-established urban catchment with high amenity and accessibility.

## Conclusion

In this context, any assertion that Woollooware “lacks infrastructure” is demonstrably incorrect. Both engineering assessments and urban context mapping confirm that the site is:

- Physically capable of supporting the proposed scale of development.
- Socially and institutionally connected to key services and networks.
- Located in an area where future strategic investment—both public and private—is being encouraged.

This project, as an integrated mid-rise development directly adjacent to a rail node, represents precisely the type of infill that the HSEPP intends to facilitate in order to deliver sustainable, inclusive, and service-aligned housing outcomes. The compatibility test under clause 39(6)(b)(iii) is clearly satisfied. 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.

## (c) Environmental risks

The proposed development does not pose any unacceptable environmental risks and is fully compatible with its physical and ecological context. It demonstrates positive environmental contributions across built form, landscaping, and urban sustainability parameters.

## Overshadowing and built form transition

The proposal has been specifically designed to minimise overshadowing impacts on adjacent properties, particularly to the west. The reference scheme includes:

- Stepped massing and upper level setbacks to the western boundary to enable solar access to neighbouring dwellings.
- A transition in height that reduces from east to west, responding sensitively to existing low-density residential land.
- A building envelope and orientation that prioritises solar access both within the development and for adjoining sites, exceeding ADG and SEPP benchmarks.

Solar analysis confirms that neighbouring dwellings retain more than the minimum required solar access in mid-winter, and that overshadowing is concentrated within the subject site's own envelope and toward the public domain, not private open space.

### **Urban greening and biodiversity**

The development creates significant opportunities for new urban tree planting, supporting both environmental and amenity outcomes:

- Deep soil planting across 30% of the site, exceeding HSEPP targets.
- A continuous landscape buffer along The Kingsway, where setbacks have been increased to accommodate future avenue-style planting, aligned with council's vision for a Morton Bay fig corridor.
- Retention and reinforcement of existing street trees along Woollooware Road and The Kingsway.
- New canopy trees proposed along the site boundaries and within communal open spaces, delivering biodiversity, urban cooling, and visual relief.

These interventions contribute to microclimate resilience, water infiltration, and habitat creation, consistent with contemporary urban sustainability targets.

### **Soil and site condition**

The environmental engineer (Mark Tooker) has confirmed that the risk of contamination is very low on this site. The land is currently developed with residential dwellings and is not identified on council or state registers as being subject to previous uses with known contamination potential.

As the site is not flood prone, bushfire-affected, or subject to geotechnical instability, no significant mitigation measures are required beyond standard urban design and civil engineering practice. Finished floor levels will be set to meet council's stormwater requirements and ensure resilience to extreme weather.

### **Low-impact transport and emissions profile**

While this project includes a substantial on-site basement car park (approx. 120 spaces) to support resident needs and community expectations, the scheme is carefully designed to minimise environmental impacts associated with vehicle use. Key features include:

- Two-level basement parking, exceeding minimum car parking requirements under chapter 3, part 4 of the HSEPP (BTR provisions), designed efficiently to avoid excessive excavation.

- Entry from the lowest point of the site, minimising disruption to the street and preserving the pedestrian environment along The Kingsway.
- Active transport measures, including bicycle and scooter parking, direct access to public transport (190m from Woollooware Station), and future opportunities for car share and mobility-as-a-service integration.
- Street interface improvements, which promote walkability and reduce conflicts between cars and pedestrians, with generous landscaped setbacks and activated ground floor.
- Reduced heat island impact through landscape design, rooftop communal areas, and vegetated setbacks.

## Conclusion

The proposal demonstrates no adverse environmental risk. On the contrary, it delivers measurable environmental benefits:

- Increased urban canopy and deep soil planting.
- Managed solar and built form impacts.
- Low contamination potential.
- Resilient, walkable urban form with reduced reliance on car-based transport.

Accordingly, the environmental limb of the compatibility test under clause 39(6)(c) is clearly satisfied.

### *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 149–157 Kingsway and 51–55A Woollooware Road 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 the state design review panel has not been engaged at this SCC stage, the design by Stanasic Architects reflects best-practice principles and addresses all core requirements of schedule 9 and the ADG.

### *Summary of design quality response*

## Context and neighbourhood character

The development is situated at the intersection of Woollooware Road and The Kingsway, within the identified ‘inner core’ of the Woollooware Station low- and mid-rise housing precinct under schedule 11 of the HSEPP.

The project responds directly to the strategic intent for 6–9 storey development near rail stations, with a well-composed mid-rise built form of up to 29 metres that reinforces the precinct character, anchors a major corner site, and supports a public domain transition from fragmented residential lots to a cohesive urban block.

### **Built form and scale**

The development achieves a maximum building height of 29 metres, consistent with the height permitted under chapter 6 and bonus provisions of division 1.

The proposed FSR is 2.73:1, reflecting the optimal tested scenario that balances economic feasibility, built form compatibility, and housing yield.

Setbacks have been designed to respond sensitively to all frontages:

- **The Kingsway:** 9–10 metres, providing space for deep soil planting, canopy trees, a widened pedestrian zone, and future cycleway integration.
- **Woollooware Road:** 6 metres, allowing active frontages and landscape buffers along a narrower local road corridor.
- **Railway corridor (north):** 9 metres, accommodating a green edge and vehicle access point.
- **Western boundary:** 9 metres, enabling visual separation, landscape transition, and a compatible interface with lower-density development.

The scheme steps down in scale at the eastern and northern edges to the western edge, aligning with adjoining residential character and minimising overshadowing.

### **Density**

The project delivers approximately 200 dwellings, including a mix of studio, one-, two-, and three-bedroom apartments. The scheme includes dual key apartments to support Civic’s specialist disability accommodation model and improve economic sustainability.

50% of dwellings are designated as affordable housing, secured under clause 40 of the HSEPP and managed by PCH are intended to be retained under a build-to-rent structure, offering tenure diversity and long-term affordability potential.

The proposed density has been extensively tested through multiple design options and reflects the preferred 2.73:1 FSR scheme, which achieves the best balance of built form compatibility, economic viability, and social benefit.

### **Sustainability**

The design integrates passive solar orientation, high rates of natural ventilation, and significant landscaping:



- The significant majority of apartments achieve a minimum of two hours solar access in mid-winter and are cross ventilated exceeding the ADG benchmark.
- Deep soil planting occupies 30% of the site area, supporting stormwater retention and urban cooling through opportunity to plant substantial new urban trees in deep soil setbacks.
- Active transport options are prioritised, including bicycle storage, walkable access to Woollooware Station, and low parking reliance relative to dwelling yield.

The community centre and open space contribute to sustainability outcomes by reducing social isolation and enhancing day-to-day amenity without requiring private car travel.

### **Landscape**

The site includes:

- 30% deep soil zone, exceeding the minimum required under the HSEPP.
- A reinforced tree planting corridor along The Kingsway, aligned with council's vision for a Morton Bay fig avenue.
- A new central landscaped courtyard, providing outlook, visual relief, and recreation opportunities for residents.
- Substantial landscape buffers to the west and north, softening the interface with neighbouring properties and rail and maintaining the landscaped character of the locality.

The design integrates private and communal green spaces, maximising resident use while also contributing positively to the streetscape and microclimate.

### **Amenity**

All apartments meet or exceed ADG benchmarks for internal areas, storage, sunlight, ventilation and private open space. Key outcomes include:

- Living rooms oriented to maximise daylight and solar access.
- Courtyard apartments receiving direct light via generous setbacks to the rail and west.
- Rooftop and ground-level communal open spaces, accessible to all residents.
- Acoustic and privacy measures embedded in the layout, including rail-facing façade treatment and internal building separation.

### **Safety**

The scheme incorporates CPTED principles through:

- Clearly defined building entries and multiple access points (from Woollooware Road, The Kingsway, and the internal courtyard).
- Passive surveillance from balconies, communal rooms and gallery corridors.

- Public domain upgrades with lighting, sightlines and pedestrian connectivity designed to enhance safety and accessibility.

### **Housing diversity and social sustainability**

The proposal includes:

- 50% affordable housing for low- to moderate-income households.
- SDA-compliant dual key apartments supported by Civic, enabling on-site support models.
- A ground-level community centre accessible to residents and the public.
- Varied apartment types and tenures to support household diversity and social cohesion.

The inclusion of social infrastructure and a mix of tenures makes the project a model of inclusionary planning principles consistent with the objectives of the HSEPP and the EP&A Act and council's own statutory framework.

### **Aesthetics**

The building presents a restrained and civic-quality design with:

- A contextual material palette of brick, metal, and precast detailing.
- Vertical and horizontal articulation that breaks down visual bulk and improves visual interest along long elevations.
- Distinct architectural definition of street corners, courtyard edges and upper levels, reinforcing site identity and hierarchy.

#### ***5.2.2 State Environmental Planning Policy (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. The advice from the project engineer advises the site is of low risk.

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.

#### ***5.2.3 Consideration under the Transport and Infrastructure SEPP 2021***

The site at Woollooware is subject to the State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) due to its proximity to key transport infrastructure, including a railway corridor and a classified road. Specifically, the site:

- Is directly adjacent to the Sydney Trains rail corridor (Eastern Suburbs & Illawarra Line).
- Has primary frontages to Woollooware Road and The Kingsway, the latter being a classified road under Schedule 4 of the Roads Act 1993.
- Is located approximately 190 metres from the entrance to Woollooware Railway Station.

In this context, the following clauses of the T&I SEPP are applicable:

**Clause 2.118 – Development in or adjacent to rail corridors**

The site shares a boundary with the rail corridor. Under clause 2.118, development consent must not be granted until Transport for NSW (TfNSW) has been consulted. The accompanying traffic and transport assessment and the concept reference design scheme (Appendix B & F) confirms that the development does not encroach upon the corridor and poses no adverse impact on rail infrastructure. Measures will be incorporated into the building design to address acoustic and vibration impacts from rail activity.

**Clause 2.119 – Development with frontage to a classified road**

The Kingsway is a classified road and clause 2.119 requires assessment of:

- **Access safety and road efficiency:** No vehicle access is proposed from The Kingsway. Vehicular access is from Woollooware Road, maintaining the safety and function of the classified road.
- **Noise and vibration:** Acoustic treatments will be applied to the building to ensure compliance with relevant amenity standards.
- **Urban design quality:** The proposal provides an articulated and visually appropriate interface to The Kingsway, aligning with the mid-rise character anticipated under the Housing SEPP.

**Clause 2.120 – Consultation with Transport for NSW**

TfNSW will be formally consulted during the DA process. Early engagement has informed the transport assessment included in Appendix F. The proposal aligns with movement and place principles and does not generate adverse traffic or transport effects.

**Conclusion**

The proposal is supported by a preliminary traffic and transport report from Lyle Marshall and Associates (Appendix F) which concludes the proposal is consistent with the T&I SEPP. It provides for well-integrated development adjacent to the rail corridor and a classified road, with no encroachment or adverse operational impacts. The traffic and transport matters have been professionally assessed for this stage, and the design reflects best-practice integration with transport infrastructure that will be further analysed against the report's advice during the DA process.

## 5.3 Sutherland Shire 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 11 Site development standards SSLEP 2015**

Land Zoning	Maximum Building Height	Maximum Floor Space Ratio (FSR)	Minimum Lot Size
<b>R2 Residential</b>	8.5 metres	0.55:1	550m <sup>2</sup>

The development is consistent with the objectives of the SSLEP. The following are of relevance:

The proposed development supports and advances the following objectives of the SSLEP:

***(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***

The project delivers an integrated housing outcome that balances ecological, social, and economic objectives. It incorporates deep soil landscaping, tree planting, high solar and ventilation performance, adaptable housing, and sustainable transport options—aligning with principles of ecological sustainability. Social equity is embedded through the provision of 100 affordable dwellings managed by a registered CHP. The scheme’s scale and mixed-tenure approach ensure economic viability, allowing the affordable component to be delivered within a sustainable development model.

***(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***

The proposal adheres to the planning framework established under the HSEPP and responds to the built form principles in chapter 6 and schedule 11. The design demonstrates a strong urban response, achieving appropriate scale transition, deep landscaping, and architectural articulation. Impacts such as overshadowing and privacy are minimised through generous setbacks and a stepped building form. The project reflects a considered design response appropriate for a station-adjacent precinct and contributes to the area’s planned transition.

***(c) to protect and enhance the amenity of residents, workers and visitors in all localities throughout Sutherland Shire***

The development enhances amenity by delivering well-designed, high-performing apartments with abundant natural light and ventilation, communal open spaces, rooftop terraces, and a publicly accessible park and community centre. Active transport connections, passive surveillance, and access to the adjoining station and shopping centre further support safe and inclusive use of the area by both residents and visitors.

***(e) to concentrate development in localities with adequate infrastructure that is accessible to transport and centres***

The site is located in close walking distance to Woollooware Railway Station, and within walking distance of retail, health, education and recreational services. The project integrates with a wider infrastructure network that includes high-frequency public transport, community facilities, and open space. It also contributes new infrastructure in the form of a community facility, public open space, and tree-lined street edges, reinforcing the precinct’s suitability for increased density.



***(i) to meet the future housing needs of the population of Sutherland Shire***

The proposal delivers 200 new dwellings, including 100 affordable housing units, directly responding to the LGA's identified housing stress and unmet demand for lower-cost, well-located dwellings. The project supports the housing needs of essential workers, people with disability, older residents, and moderate-income renters who are typically excluded from the private rental market in the Shire.

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 for adjoining zoned land and as detailed in this report is compatible, 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 Residential under the SSLEP. The R2 zone objectives and permitted development categories are listed below:

#### **Zone R2 Low Density Residential**

##### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration particularly along ridgelines and in areas of high visual significance.
- To allow the subdivision of land only if the size of the resulting lots retains natural features and allows a sufficient area for development.
- To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.

##### **2 Permitted without consent**

Home occupations

##### **3 Permitted with consent**

Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Multi dwelling housing; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Tank-based aquaculture

##### **4 Prohibited**

Any development not specified in item 2 or 3



**Figure 57 SSLEP 2015 zoning map**

#### 5.3.1.1 Assessment against R2 low density residential zone objectives

While RFBs are not ordinarily permissible within the R2 Low Density Residential zone under the LEP, the HSEPP 2021, via chapter 2 and division 5, enables consideration of RFBs in certain contexts, including where strategic compatibility and public benefit are demonstrated. The subject site presents a unique opportunity for such a consideration, and the following analysis responds directly to each R2 zone objective.

**Objective 1: To provide for the housing needs of the community within a low density residential environment**

The development responds to this objective not by preserving low density in its literal form, but by enabling diverse and affordable housing choice in a locality facing significant housing stress. It introduces 200 well-designed dwellings, including 100 affordable units managed by a registered CHP, in an area with proximity to infrastructure, transport, and services. This represents a strategic and socially responsive interpretation of the objective—addressing the evolving housing needs of the community in a manner that is contextually appropriate due to the site’s adjacency to a railway station and surrounding R3 and R4 zones.

***Objective 2: To enable other land uses that provide facilities or services to meet the day to day needs of residents***

The proposal includes a community centre, new public parkland, and future consideration in continuing planning stages of a ground floor active uses such as a café or communal space—all of which serve the local population. These non-residential components are consistent with the objective to enable land uses that support daily needs, particularly for residents of the new development and the wider Woollooware community.

***Objective 3: To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration particularly along ridgelines and in areas of high visual significance***

While the site is urban and not located along a ridgeline or in a visually prominent natural area, the proposal delivers significant landscape benefits:

- Over 30% of the site is deep soil or landscaped area.
- Retention of existing mature street trees, with a vision to extend the Moreton Bay Fig avenue along The Kingsway.
- Enhanced urban biodiversity and canopy cover through high-performance landscape design across podium, ground plane, and roof levels.

***Objective 4: To allow the subdivision of land only if the size of the resulting lots retains natural features and allows a sufficient area for development***

No subdivision is proposed at this stage. The proposal consolidates multiple lots into a single integrated development, maximising design efficiency, protecting existing trees, and delivering sufficient area for meaningful built form, deep soil zones, and public benefit.

***Objective 5: To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing***

This objective is directed at protecting the broader R2 zone from incremental overdevelopment. The objectives is subject to clause 1.9 of the SSLEP which advises the instrument is subject and sub servant to any environmental planning instrument that applies to the land. Within this context the objectives can be read down in the context of the project and its alignment to the more dominate EPIs that apply.

However, a holistic and transparent approach to planning interpretation is required, particularly where state-led policy frameworks are designed to supersede local controls in the public interest. It is important that community members, including those who may initially oppose increased density, are provided with a clear explanation of how certain local planning provisions—such as the zone objectives of the SSLEP 2015—operate in the broader hierarchy of the NSW planning system.

For instance, the R2 Low Density Residential zone includes the following objective:

*“To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.”*

While this objective reflects the intent to prevent ad hoc intensification of low-density areas, it must be understood within the legal context of clause 1.9 of the SSLEP, which subordinates local controls to any applicable environmental planning instrument. In this case, division 5 of the HSEPP 2021 applies and lawfully permits a residential flat building, as confirmed by the issuance of a SCC under clause 39.

In this way, the apparent conflict is resolved through statutory design: the SEPP expressly overrides local zoning prohibitions where strategic compatibility has been demonstrated. This process is not an erosion of local planning—it is a deliberate mechanism within the planning system to facilitate state policy outcomes, particularly for well-located affordable housing which local housing policy is aiming to provide.

This objective, while relevant in its general application to incremental changes in the R2 zone, cannot be determinative in the context of this proposal, which proceeds under HSEPP 2021. division 5 expressly allows RFBs to be approved on otherwise prohibited land, provided a SCC has been issued under clause 39.

The legal advice provided by Jason Lazarus SC and Justin Doyle (10 August 2023)<sup>29</sup> confirms that in cases such as this, the zoning objectives of the R2 zone are subordinate to the overriding intent and operation of the state policy. As noted in that advice:

*“A residential flat building which is described in a site compatibility certificate may be lawfully approved even though it contravenes development standards specified in a local environmental plan ... [because] any provision of an LEP that would have the effect of prohibiting that form of development would be inconsistent with the directive in s 38(1) of the HSEPP.”*

The law is settled: where an inconsistency arises between local objectives and the permissive provisions of a State Environmental Planning Policy, section 3.28 of the EP&A Act and clause 8 of the HSEPP dictate that the state policy must prevail.

In the case of this proposal:

- The land is located within a 190m walk of Woollooware Railway Station, placing it within the “inner core” 400m walkable catchment where RFBs are encouraged under the HSEPP’s strategic framework.
- The site is directly adjacent to R3 Medium Density Residential zoning on its northern and eastern boundaries, with existing RFBs already established within close proximity and the desired future character is framed by the HSEPP land use controls.
- The development designed in a place making methodology due to its rare large land configuration is precinct-scale in character and intent, not piecemeal infill, and provides generous setbacks, deep soil landscaping, and a legible built edge that enhances rather than undermines neighbourhood character.

Accordingly, while the fifth R2 objective reflects an intention to protect areas from cumulative low-scale change, it is not intended to preclude site-specific state-led renewal processes such as those enabled under division 5 aimed at directly responding to the significant social impacts from the housing crisis in NSW. The policy intent and statutory framework of the HSEPP deliberately enable a different planning logic to apply in these circumstances.

In conclusion, this proposal must be assessed in light of its legal permissibility under division 5. The fifth R2 objective, while noted, cannot override the state-led process that enables this form of housing development, and must be read down in accordance with clause 1.9 of the SSLEP 2015 and the legal principles outlined in the 10 August 2023 senior counsel advice.

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<sup>29</sup> Application of development standards set by local environment plans to development the subject of a site compatibility certificate issued under Division 5 of the Housing SEPP - **Jason Lazarus SC and Justin Doyle Barrister 2023**



### 5.3.1.2 Assessment against adjoining R3 zone medium density zone objectives and compatibility

Clause 39(6)(b) of the HSEPP requires the secretary to assess whether the proposed residential flat building is *compatible with the existing uses and approved uses of land in the area*, and to consider the *likely impacts that the development, including its bulk and scale, will have on those uses and likely preferred future uses*. This necessitates a contextual analysis of not just the subject site's immediate zoning (R2) but also the broader planning setting—including adjoining zones.

In this case, the site adjoins land zoned R3 Medium Density Residential to the north and east. These R3-zoned lands are directly relevant to the clause 39(6)(b) compatibility test because:

1. **They reflect the existing and approved uses in the area**, forming part of the built context the development must integrate with.
2. **They express the preferred future character** for this part of Woollooware, which is recognised in strategic plans and in the SEPP's chapter 6 provisions for low- and mid-rise housing precincts near transport nodes.
3. **Their zone objectives directly promote urban renewal, housing diversity and walkable medium-density living**—principles that align with the proposed development and support its compatibility.

The R3 zone objectives under the Sutherland Shire LEP 2015 are particularly relevant, including:

- *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 and workers.*
- *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.*

These objectives are not abstract—they are reflected in the existing development pattern surrounding the site, including nearby mid-rise RFBs and the strategic planning vision outlined in chapter 6 and schedule 11 of the HSEPP.

The proposed development responds positively to these objectives by in summary by:

- Delivering medium-density, multi-unit housing in a walkable location immediately adjacent to a train station.
- Including a mix of dwelling types—including adaptable and SDA-compliant units—to serve a diverse tenant base.

- Incorporating a ground floor non-residential tenancy that can serve the day-to-day needs of residents and contribute to neighbourhood vitality.
- Providing high-quality landscaping and generous setbacks that support a soft urban interface and enhance residential amenity.
- Establishing a transition between the lower-scale R2 residential fabric to the west and the emerging R3 zone to the north and east.

In keeping with the applied consistent approach for a transparent and detailed consideration of local controls analysis the following further detail is provided:

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

The development proposes approximately 200 apartments, with a commitment to deliver at least 50% of dwellings (100 apartments) as affordable rental housing managed by a registered CHP. This represents one of the largest single contributions to affordable housing within the Sutherland Shire in recent years. The site's location—close to a train station, new community facilities, and major services—makes it ideally suited to support a medium-density residential environment, consistent with this objective and the broader aims of the South District Plan, the Sutherland Shire Housing Strategy 2020, and council's LSPS.

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

The proposal incorporates a highly diverse housing mix, including studio, one-bedroom, two-bedroom, three-bedroom, and dual key apartments. This mix supports different household types, income levels, and life stages—including older residents, small families, and people with disability. The scale of the project allows for a housing mix that is difficult to achieve in smaller schemes, reinforcing housing diversity and enhancing the social sustainability of the precinct.

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

The scheme includes a strategically located community tenancy at the ground level adjacent to the open space and it is proposed in further study to test the implementation of further active uses, fronting the through site link on Woollooware Road. While a café is not currently a permitted use in the R2 zone, its considered inclusion is designed to support future community integration, accessibility, and vibrancy. The use can be enabled through state-level planning powers or policy intervention, consistent with the public interest purpose of this precinct-scale redevelopment. This aspect will be considered respectfully with council and departmental officers at future stages.

***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 multiple dwellings designed in accordance with AS 4299 and the NDIS Specialist Disability Accommodation (SDA) design standards. These include dual key apartments and a variety of layouts that support supported living models delivered by Civic Disability Services.

Step-free access, lift-served levels, and universal design principles are embedded throughout. This objective is directly and substantially met.

***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 led by Stanisic Architects through a rigorous and iterative design process, with strong alignment to schedule 9 of the HSEPP and the ADG. Key urban design outcomes include:

- A landscaped setback of approximately 9–10 metres to The Kingsway, aligning with council's vision for a grand avenue of fig trees.
- A 9-metre setback to the rail corridor and 9 metres to the western boundary, providing extensive separation and transition.
- Approximately 30% deep soil and 40% total landscaped area.
- Rooftop communal open spaces, diverse recreational zones, and direct pedestrian access to a new publicly accessible park and community centre.
- The development not only respects natural and urban context but seeks to elevate it through precinct-scale planning, greening, and activation.

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

The proposed development at Woollooware Road has been deliberately structured to enable a clear and legible transition in built form from the higher-density edges adjacent to the railway station, to the lower-density dwellings located west of the site. This transition is achieved through the following key design mechanisms:

- Progressive stepping down of building height from the eastern rail edge to the western boundary.
- A substantial landscaped setback of approximately 9 metres to the western interface, with no habitable windows facing the neighbouring R2-zoned residential lots, ensuring privacy and reducing perceived bulk.
- Use of modulation and massing breaks to avoid long continuous façades and present a varied, articulated urban form.
- Incorporation of deep soil zones and canopy tree planting along all frontages, enhancing the landscaped character of the area and softening the transition between zones.

The site is located approximately 190 metres from Woollooware Station, placing it firmly within the "inner core" catchment under chapter 6 of the HSEPP. In this zone, mid-rise built form (6–9 storeys) is both anticipated and actively encouraged by the SEPP's urban structure and housing delivery framework. Furthermore, the site adjoins existing R3-zoned land to the north and east that already supports RFBs and presents a logical precinct-scale opportunity for renewal.

The objective of the R3 zone—to allow development that provides an appropriate transition to adjoining land uses—is not only met but exceeded by the proposal. Rather than presenting a blunt edge between zone types, the development uses urban design techniques to bridge the interface and contribute to a coherent, inclusive, and legible precinct.

While the current zoning pattern along Woollooware Road establishes a formal boundary between R2 Low Density and R3 Medium Density Residential zones, this delineation reflects historical planning approaches rather than the emerging opportunities presented by infrastructure, land assembly and housing need. The proposed development responds to this evolving context by effectively redefining the R2–R3 edge—not through ad hoc encroachment, but by establishing a logical, landscape-led transition that supports both environmental quality and social benefit.

By drawing the R3 interface westward into a larger, consolidated site, the proposal enables a scale of development capable of leveraging inclusionary zoning principles—capturing uplift in value to deliver a significant proportion of affordable housing. This outcome would not be possible under fragmented or lower-density redevelopment. In this way, the development realigns the precinct’s internal structure to support contemporary housing and sustainability goals while strengthening the overall transition from station-adjacent mid-rise forms to the established lower-density neighbourhood in the R2 that also benefits from the chapter 6 development controls.

Given these characteristics, the R3 objectives provide an appropriate contextual benchmark for assessing compatibility under clause 39(6)(b) of the HSEPP. In line with *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*, compatibility does not mean identical land use or built form, but rather a capacity for reasonable and planned coexistence.

Accordingly, it is both reasonable and legally sound for the secretary to consider the objectives of the adjoining R3 zone in applying the clause 39(6) compatibility test. The proposal’s design, scale, and land use outcomes are demonstrably consistent with the intended character of the Woollooware precinct and actively contribute to a sustainable, inclusive housing future.

### 5.3.2 Height of buildings

Under the Sutherland Shire Local Environmental Plan 2015 (SSLEP), the subject site is located within the R2 Low Density Residential zone and is subject to a mapped maximum building height of 8.5 metres. However, this control is superseded by the HSEPP 2021 in the case of residential flat building development permissible under division 5.

The HSEPP 2021 applies two mechanisms relevant to height:

- Chapter 6, which establishes a maximum height of 9.5 metres for R2-zoned land located within the Woollooware Station Low and Mid-Rise Housing Area.
- Division 1, which permits a 30% height bonus where development includes at least 15% affordable housing.

As the proposal includes 50% affordable housing, the applicable height control under the SEPP is increased to 12.35 metres (9.5m x 1.3). The proposed development, however, seeks a building height of 31.2 metres. This is consistent with the mapped height limit applicable to adjoining R3-zoned land to the north and east, which supports a mid-rise urban form aligned with the HSEPP’s “inner core” definition under Schedule 11.





**Figure 58 SSLEP 2015 building height map**

While the numerical height control under chapter 6 for R2 land would appear exceeded, the proposal has been lodged via the division 5 pathway. This pathway which aims to significantly shorten assessment process sets aside the part 3 zoning requirements and enables the secretary to assess the compatibility of built form in a forward-looking manner, having regard to surrounding land use context, built form, and strategic planning objectives. In this case, the proposal's height aligns with both the existing and intended scale of adjacent R3-zoned land and delivers a legible and respectful transition westward to lower-scale development.

Importantly, the building height enables a viable yield to support 50% affordable housing delivery—an outcome not achievable under a constrained 12.35 metre form. In this way, the height is a functional and policy-aligned enabler of housing diversity, tenure mix, and precinct-level sustainability outcomes, particularly under clause 39(6)(b)(ii) of the HSEPP which requires consideration of the likely impact of bulk and scale on preferred future uses.

The proposed building height is 31.2 metres. This height is consistent with the HSEPP R3 control and reflects a deliberate planning choice to:

- Leverage value created through additional height to deliver 50% affordable housing
- Create a strong urban form next to land toward Woollooware Station
- Deliver a design that transitions sensitively to adjoining lower-density areas

The proposal has been designed to achieve compatibility in both form and impact by:

- Stepping down from the higher built forms on the R3 boundary on the east and north to the R2 boundary to the west with sensitive massing and articulated built form and significant setbacks to support deep soil landscape buffer.

- Providing a 6-9 metre deep, heavily landscaped setback to the west, reducing bulk and respecting the amenity to the west.
- Avoiding hard interfaces through separation, planting, and modulation of upper levels.
- Establishing a station-facing inner core presence on the Woollooware frontage that defines and enhances the precinct character.

#### Assessment against clause 4.3 objectives (Sutherland LEP 2015)

Clause 4.3 of the SSLEP 2015 includes the following objectives:

*(a) to ensure that the scale of buildings—*

*(i) is compatible with adjoining development, and*

*(ii) is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and*

*(iii) complements any natural landscape setting of the buildings,*

*(b) to allow reasonable daylight access to all buildings and the public domain,*

*(c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,*

*(d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,*

*(e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones,*

*(f) to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas.*

The proposal satisfies these objectives as follows:

- The development is compatible with adjoining and nearby built forms, and the emerging R3 medium density pattern supported by chapter 6.
- The scale is consistent with the desired future character of the Woollooware Station precinct under the HSEPP, where mid-rise development is encouraged in inner core areas.
- The building complements the natural landscape setting through site landscaping, 30% deep soil area, and provision of new large canopy trees along The Kingsway and Woollooware Road, enhancing visual amenity and microclimate performance.
- Daylight access to both the development and surrounding sites is maintained, with solar access testing confirming strong compliance with SEPP and ADG standards.
- The building is sensitively modulated and articulated to minimise privacy, visual intrusion, and overshadowing impacts, particularly through the 6–9 metre setbacks on all sides and recessed upper levels.
- The height of the development is consistent with the proposed future surrounding residential built forms and noting this is an area of transition it seeks to carefully design the

height and scale of structure ion the scheme to ensure high amenity standards are achieved for existing built forms of development. The scheme does not include non-residential floorplates of a scale or bulk inconsistent with its setting.

A deliberate transition is achieved between higher-density R3-zoned land to the east and lower-scale detached housing to the west, facilitated by both physical setbacks and visual softening through landscape buffers.

In summary, the height of the proposed development is consistent with the strategic intent and planning controls applicable under the HSEPP and meets the objectives of clause 4.3 of the SSLEP 2015 when read in conjunction with division 5 and clause 39(6) of the SEPP.

### *5.3.3 Floor space ratio*

Under the Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015), the subject site is located in the R2 Low Density Residential zone and is subject to a mapped maximum floor space ratio (FSR) of 0.7:1. Clause 4.4 of the SSLEP states:

(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.

While the SSLEP 2015 prescribes a 0.7:1 FSR for the site, the proposed development is brought forward under State Environmental Planning Policy (Housing) 2021 (HSEPP), specifically chapter 6 and part 2 division 5. This provides a separate and non-discretionary development standard for FSR, applicable where a SCC has been issued and at least 50% of dwellings are provided as affordable housing by a registered CHP.





Although the SSLEP standard does not apply to this development in a statutory sense, the clause 4.4 objectives remain relevant as a guide to orderly planning. The proposal aligns with those objectives for the following reasons:

(a) The development is in keeping with the characteristics of the site and the local area. The site is within 190 metres of Woollooware Railway Station and is strategically located to support higher-density, transit-oriented housing outcomes. The proposal reflects the site's unique locational and social context, including its proximity to infrastructure and its suitability for affordable and inclusive housing forms.

(b) The proposed bulk and scale are appropriate in the context of a transitioning precinct. The built form is concentrated at the eastern edge near the station and steps down to lower-density forms toward the west, providing a deliberate and legible transition between the R3 zone and the R2 zone interface. The scale is also visually mitigated through articulation, deep soil setbacks, and modulation in the building envelope.

(c)(i) The development responds to site constraints and opportunities, including a large corner configuration, slope, and lack of environmental hazards. There are no mapped ecological or heritage constraints on the land.

(c)(ii) Amenity impacts have been minimised through sensitive site planning. The design provides substantial landscaped setbacks to adjoining residential properties and limits overshadowing and overlooking, particularly to the western and southern boundaries. Public domain amenity is enhanced through new pedestrian connections, street tree planting, and active frontages.

(c)(iii) The development is well supported by existing infrastructure. All utilities are available, and no augmentation is required. Public transport services are directly adjacent to the site.

(c)(iv) Traffic and pedestrian activity are anticipated to be low-impact due to the development's car-free nature and high transit accessibility. Parking demand is managed in accordance with the division 5 exemption provisions.

(c)(v) Scenic and landscape qualities are maintained and enhanced through a deep soil landscaping scheme, retention of street tree character, and the integration of soft edges that visually soften the building form in key view corridors.

The application of the HSEPP in this instance is consistent with both the intent of division 5 and the broader objective of the planning system to deliver sustainable, socially inclusive, and well-located housing supply.

#### *5.3.4 Clause 4.6 variation requests and relationship to the HSEPP*

##### *Clause 4.6 – Exceptions to development standards (Sutherland LEP 2015)*

Under the Sutherland LEP 2015, the subject site is zoned R2 Low Density Residential and is subject to maximum building height and floor space ratio (FSR) development standards of 8.5 metres and 0.55:1 respectively. These standards are set out in clauses 4.3 and 4.4 of the LEP.

However, the proposal is brought forward under division 5 of chapter 2 of the HSEPP 2021, which provides a statutory mechanism for the delivery of affordable housing where RFBs are otherwise prohibited. The site is subject to an SCC application under clause 39, which, if granted, confirms

the secretary’s opinion that the proposed residential flat building is compatible with surrounding land uses. The project also applies the planning controls in chapter 6, including the FSR and height standards for land within a designated Low and Mid-Rise Housing Area.

This proposal exceeds the local LEP controls for height and FSR. Accordingly, a request under clause 4.6 of the SSLEP will be required at the development application stage to vary both Clause 4.3 and Clause 4.4.

The relevant legal position is that the local development standards do not prevent the approval of the proposal, provided the consent authority is satisfied that:

- The written clause 4.6 request adequately addresses the matters in subclause 4.6(3),
- There are sufficient environmental planning grounds to justify the contravention, and
- (importantly) the consent authority no longer needs to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the zone<sup>30</sup>

However, in the context of division 5 applications, this final test must be carefully and appropriately interpreted. As advised by senior counsel and barrister (Lazarus SC and Doyle, 10 August 2023), the requirement to demonstrate consistency with zone objectives must be read down when the proposal is being made under division 5. This is because division 5 permits RFBs in zones where they are otherwise prohibited, and the compatibility test relies on a consideration of the adjoining land uses and strict adherence to zone objectives and ignoring the surrounding context would defeat the very purpose of division 5.

Clause 4.6(4)(a)(ii) of the LEP must therefore be interpreted harmoniously with section 38(1) of the HSEPP, which provides that “*development to which this Division applies may be carried out with consent.*” The legal advice confirms that refusal of consent solely on the basis that the proposal does not align with the R2 zone objectives (e.g. protection of single-dwelling character) would compromise the operation of the HSEPP, which is a state instrument designed to prevail over local controls.

The legal framework supports the view that consent authorities must allow Clause 4.6 variations in circumstances where:

- The development is compatible with surrounding land uses (as certified by the secretary or assessed by the authority under clause 39),
- The building scale and density align with the applicable HSEPP controls (here, 2.86:1 FSR and 31.2m height),
- The project delivers a significant proportion of affordable housing under section 40 of the SEPP, and

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<sup>30</sup> Department of Planning and Environment - *Upcoming changes related to clause 4.6 of the Standard Instrument*  
September 2023

- The public interest is served through the achievement of broader planning objectives including housing diversity, urban consolidation, and economic and social sustainability.

This project satisfies all of those criteria. The building has been carefully designed to transition from mid-rise scale near the railway corridor to lower built form interfaces at the western R2 boundary, supported by landscaping, setbacks, and sensitive massing. The design approach responds not just to compatibility, but to strategic intent.

The housing outcomes delivered by this proposal—200 apartments including 100 affordable dwellings—are not possible under the LEP framework alone. They are achievable only through the operation of division 5 and chapter 6 of the HSEPP, which are designed to unlock well-located sites for social benefit in a sustainable economic and environmental context.

Therefore, the development standards in the LEP can and should be varied under clause 4.6, with the secretary's SCC (once issued) to give the SCC effect and the legal primacy of the SEPP providing clear and compelling environmental planning grounds. This is a lawful, policy-aligned, and public interest-based application of merit to deliver significantly required state policy objectives under the planning framework.

### 5.3.5 Heritage

#### Woollooware Road – heritage road alignment (Item A4114)

The site also fronts Woollooware Road, which is itself a listed heritage item under the SSLEP 2015. The listing recognises the road's alignment as part of the earliest formal accessways surveyed within the Holt Sutherland Estate, and its importance in facilitating early rural settlement, subdivision, and access to Woollooware Bay.

The significance of the item lies not in its built form or road infrastructure, but in the historic survey alignment and its contribution to the understanding of early land division and movement through the area. There is no physical fabric (e.g. stone kerbs, street furniture, archaeological layers) identified as part of the heritage value, and the road has been upgraded over time to contemporary standards.

The development respects the significance of the item by:

- Retaining the current alignment and avoiding any encroachment into the road reserve.
- Providing a 6-metre landscaped setback along Woollooware Road, which allows for a softened and respectful street interface.
- Reinforcing the tree-lined character of the heritage road corridor through coordinated public domain improvements.
- Avoiding bulk at the street edge through modulation, entry points, and material articulation.

As such, the development does not detract from the understanding or legibility of Woollooware Road's historic significance and is consistent with the intent of Schedule 5 of the SSLEP 2015.

#### Woollooware House (A4113)

This Federation-style residence and Coach House is located on the southern side of the Kingsway, diagonally opposite the site. The item is set back from the street and has a defined landscape

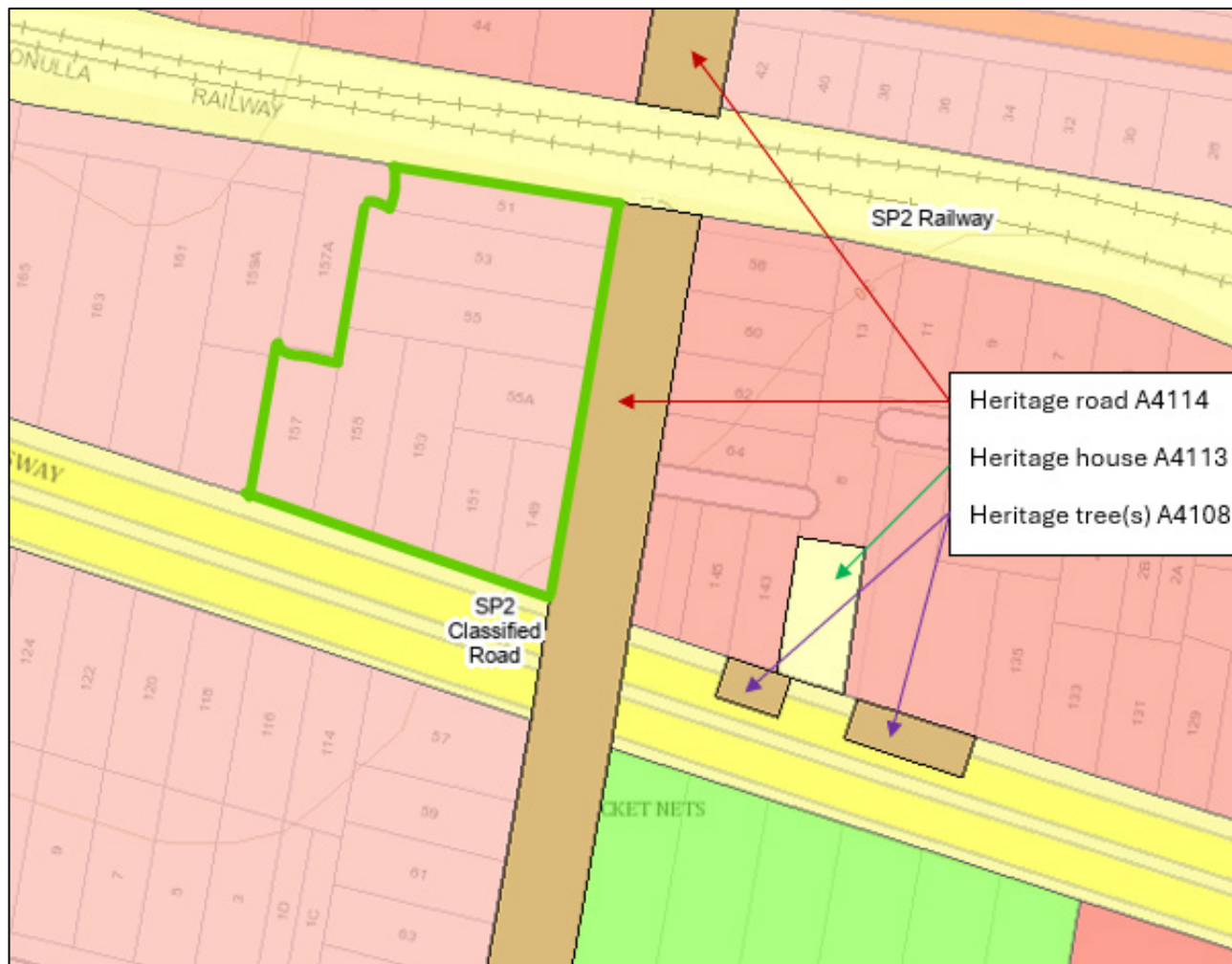
curtilage. The significance of the site is largely architectural and historic relating to early subdivision patterns and commercial activity within the former Panorama Estate.



**Figure 60 Item A4113 “Woollooware House”**

The proposed development is separated by both Woollooware Road and Kingsway and will not physically impact the heritage fabric of Woollooware House. Importantly, the proposed building is set well back from the Kingsway, with a significant landscape buffer and extensive tree planting to reinforce the historic avenue form. The proposal does not obstruct key views to or from the item, nor does it dominate the setting of the heritage building. The design and that of the urban design framework which models development in the location of Woollooware house with an assumption it will be retained, has been carefully modulated and stepped to minimise bulk, particularly at the Kingsway interface, ensuring that the setting of Woollooware House is respected and legible in the streetscape.





**Figure 61 SSLEP heritage map**

#### Remnant Avenue planting – Port Jackson Fig (A4108)

A single mature Port Jackson Fig tree is located near 143 Kingsway, with several others dispersed east of the site. These plantings are remnants of a once-continuous civic avenue and are recognised for their aesthetic, historic, and rare value.

The subject site lies to the west of the main group of trees and does not contain any LEP-listed specimens. However, the project directly contributes to the continuation of the avenue theme, through the provision of a generous 9–10 metre setback to Kingsway and a street planting scheme that supports both existing and new Port Jackson fig planting along the public domain. This design intention is clearly shown in the architectural and urban design report plans and aligns with council’s long-standing objective to reinforce Kingsway as a heritage tree lined avenue.

The proposed development therefore has a positive heritage outcome in relation to the avenue planting. It seeks to reinstate the Kingsway as a landscaped corridor of civic importance and avoids direct conflict with the original trees. New planting in the deep soil zone will complement existing specimens and contribute to a more legible and continuous streetscape character.

The implementation of increased setbacks of 9-10 metres is seen as a new standard for development along the Kingsway frontage to promote continuation of the specific street tree planting in the future.



*Figure 62 Item A4108 Remnant Avenue planting – Port Jackson Fig)*

## 6 Strategic context and the need for affordable housing

### 6.1 Overview

The proposed development at 149–157 Kingsway and 51–55A Woollooware Road, Woollooware, is a precinct-scale, transport-oriented affordable housing project that responds directly to the evolving strategic priorities of the NSW planning system. The development proposes a mid-rise residential flat building of up to 31.2 metres in height, comprising 200 apartments, of which 50% will be delivered and managed as affordable housing by a registered CHP in accordance with clause 40 of the HSEPP 2021.

The application is brought forward under division 5 of chapter 2 of the HSEPP and seeks a SCC that will enable a future development application on land zoned R2 where RFBs are currently prohibited under the Sutherland LEP 2015. The proposal applies a compatibility test under clause 39 of the SEPP and adopts the built form framework of chapter 6 as it applies to the ‘inner core’ sub-precinct of the Woollooware Station Low and Mid-Rise Housing Area identified in Schedule 11.

This initiative is not a conventional infill development. It is a deliberate and structured delivery model that consolidates land, applies design principles to manage scale transition and amenity, and leverages inclusionary zoning mechanisms to secure long-term affordable housing at meaningful scale. The project also includes accessible and adaptable units, communal infrastructure including a ground floor community room, and deep landscaped setbacks that strengthen the urban structure of the station precinct.

Importantly, the proposal comes forward during a period of acute housing stress in the Sutherland Shire and wider Sydney region. The NSW Government has expressly shifted its planning framework to prioritise housing supply, affordability, and sustainability—elevating these goals in key instruments such as:

- The HSEPP 2021 (and its recent amendments).
- The State Infrastructure Strategy 2022–2042.
- The Ministerial Directions on Housing Delivery (2024).
- The updated South District Plan and local housing strategies.

The Department of Planning, Housing and Infrastructure has consistently confirmed that projects delivering affordable housing near high-capacity transport infrastructure are a priority for enabling and acceleration. This application responds squarely to that policy position and provides a model for precinct-based, socially sustainable development that advances the intent of both the EP&A Act and the HSEPP.

This section demonstrates how the proposal aligns with the strategic planning framework, meets identified housing needs in the locality, and contributes to the government’s broader agenda of equitable, infrastructure-aligned, and economically sustainable urban development.

## 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 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.

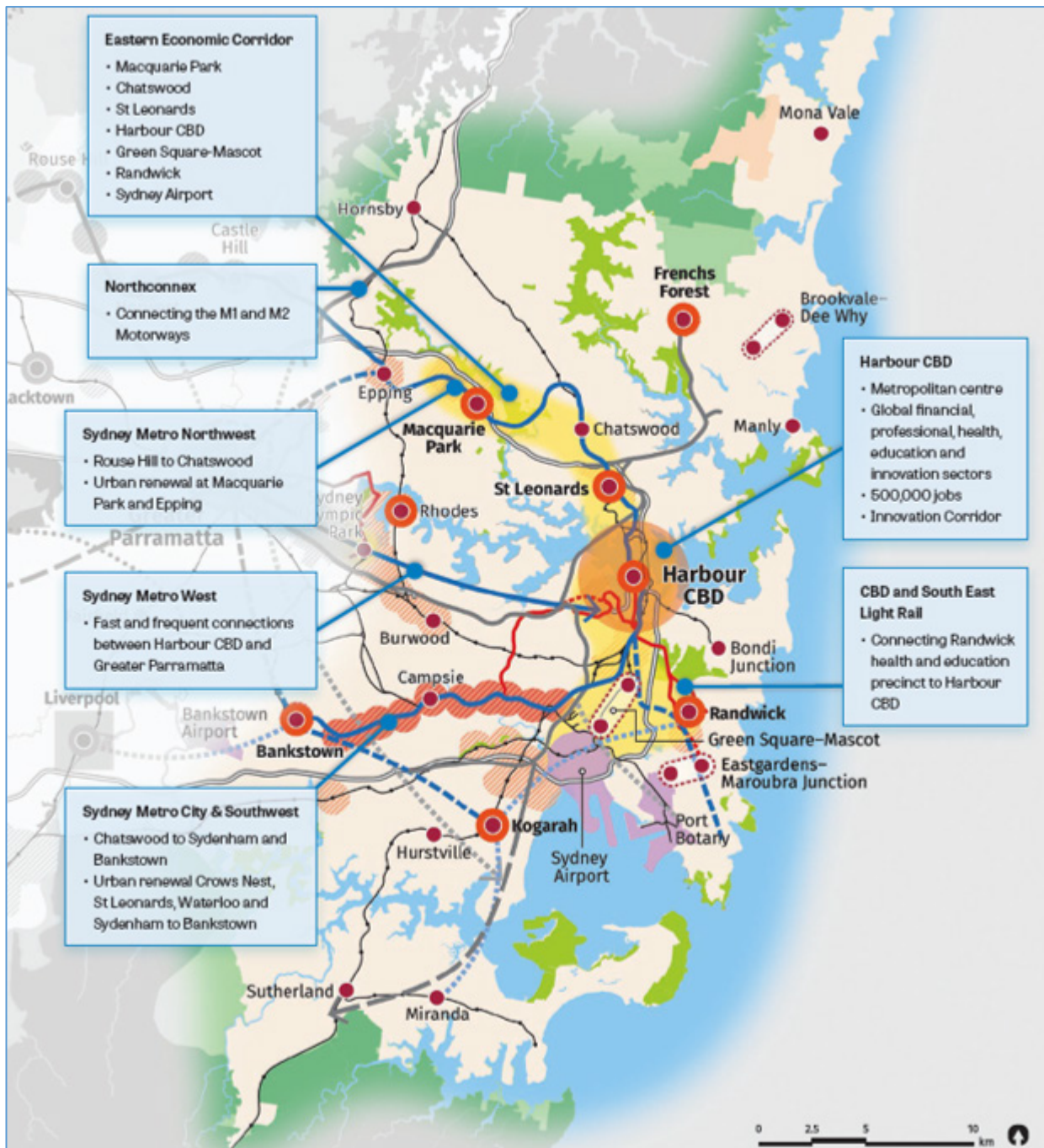
To achieve the objectives for the Eastern Harbour City, the plan includes 10 directions and 40 objectives, supporting actions and priorities for each “City”.

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.



**Figure 63 Eastern Harbor City Structure Plan**

This application for a SCC will facilitate and contribute approximately 200 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 64 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 % 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 200 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 CHPs Industry Association, CHPs, 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”.*
- *CHPs 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 liveability<sup>31</sup>.

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.

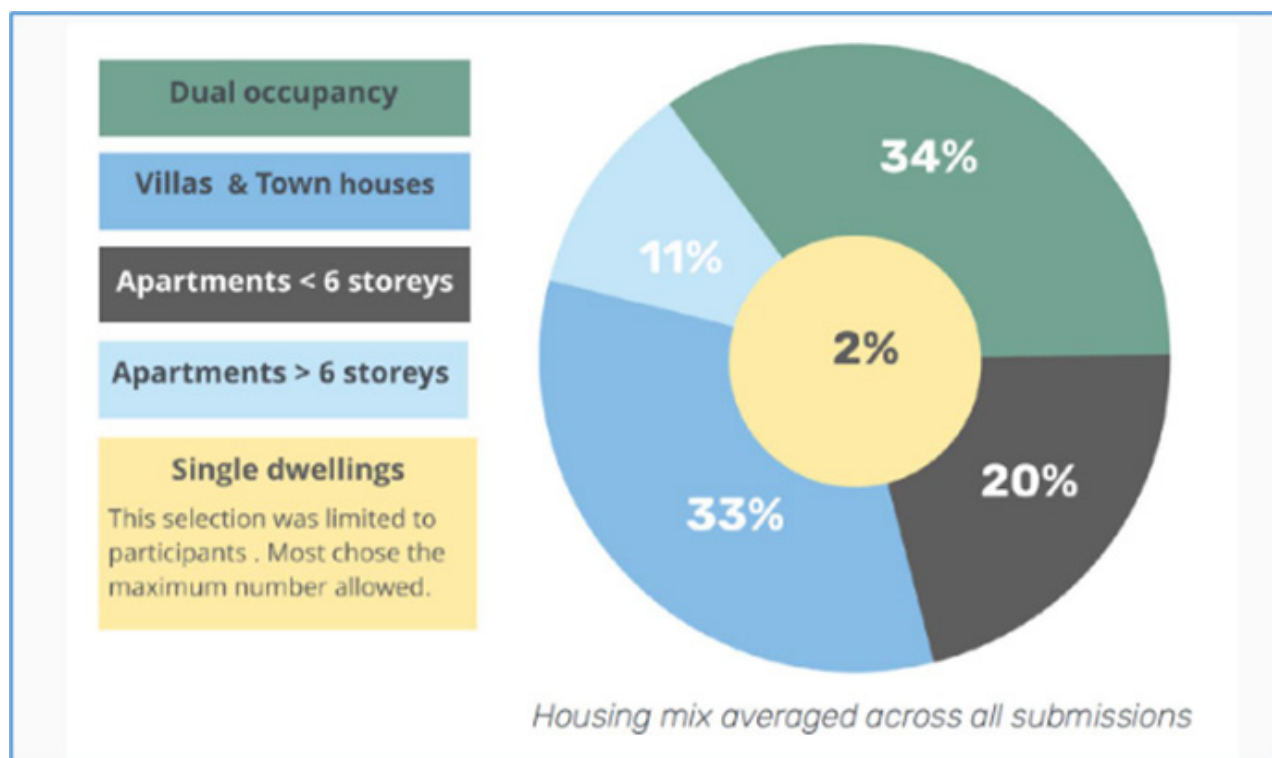


Figure 65 2021 response graph (source SSC webpage)

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. The

<sup>31</sup> <https://www.sutherlandshire.nsw.gov.au/plan-and-build/planning-for-sutherland-shire/housing-strategy>

council has published a graph that seeks to represent that groupings opinions. The data shown in Figure 64 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.<sup>32</sup>

## 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 Woollooware Road project seeks 200 dwellings with 50% (100 dwellings). Each of these projects 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 12 Hypothetical affordable housing yield under SSC levy model**

Years av.	Estimated Approvals	Value per Unit (\$)	Total Value	5% Levy (\$)	Units Funded (at \$850k each)
23–25	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:

<sup>32</sup> <https://jointheconversation.sutherlandshire.nsw.gov.au/housing-strategy-2041>

**Table 13 Panorama project – HSEPP division 5 delivery model**

Project	Total Units	Affordable Units	Tenure	Council Role
Woollooware Road	200	100 (50%)	15+ years	Assessment only (no funding or levy)

These figures underscore the efficiency and efficacy of the HSEPP 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 and 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 and Woollooware projects represent 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.<sup>33</sup>

## 6.9 Need for affordable housing

### 6.9.1 Social and economic impact

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<sup>33</sup> <https://www.planning.nsw.gov.au/policy-and-legislation/housing/diverse-and-well-located-homes/benefits-for-you-and-your-community>

The proposed development at Woollooware Road will deliver significant social and economic benefits, both locally and in alignment with broader NSW housing priorities. At a time of increasing rental stress and limited housing access for low- to moderate-income earners, this project provides a scale of response that goes beyond conventional market development.

The proposal includes the delivery of 200 dwellings, 100 of which (50%) will be designated as affordable housing in accordance with clause 40 of the HSEPP. These dwellings will be managed by a registered CHP (CHP) and targeted toward key workers, older residents, people with disability, and individuals and families in rental stress.

Importantly, the project is being delivered in partnership with Civic Disability Services Ltd (Civic), a Tier 3 registered CHP and longstanding charity operating across southern Sydney. As part of this project, Civic intends to consolidate its housing, support and service delivery functions into a single, inclusive housing precinct—providing both SDA-compliant units and non-SDA affordable dwellings within a cohesive, mixed-tenure model.

This centralised model of care and housing delivers substantial public value by:

- Co-locating supported and general housing in a socially integrated format
- Embedding on-site concierge-style supports
- Delivering community infrastructure such as a shared community centre and landscaped public spaces
- Facilitating proximity to Civic’s wider network of disability, training, and employment services

Civic has indicated that, subject to Commonwealth funding support (e.g. via the Housing Australia HAFF program), it may be able to secure affordable housing for a period of up to 25 years or more, well beyond the statutory 15-year minimum under the HSEPP. As a registered charity with a permanent social mission, Civic has the capacity to retain housing in affordable tenures in perpetuity.

The project also generates broader economic benefits:

- Supporting local employment during construction and operations
- Enabling key workers and lower-income earners to live closer to jobs, transport, and essential services
- Reducing the economic burden on public health and social systems associated with housing insecurity
- Reinforcing the viability of local centres, education providers and service networks through a stable and diverse residential base

This precinct-scale renewal proposal therefore delivers a highly efficient and socially impactful model of affordable housing, guided by a registered CHP with proven capacity, strong governance, and a long-term charitable mission.

It reflects the kind of housing model that the NSW Government has publicly identified as a key mechanism for restoring housing equity and sustainability in established suburbs, particularly those well connected to public transport and public infrastructure.

### 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 % 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 CHPs Industry Association, CHPs, 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 RFBs. 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 2017



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 cabinet 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 % 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, approximately 100 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:

*“CHPs 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

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 supports the delivery of an integrated, inclusive and strategically aligned affordable housing development at Woollooware Road, Woollooware. The proposal seeks approval under division 5 of the HSEPP 2021, enabling a precinct-scale renewal of a key inner core site adjacent to Woollooware Station.

The development proposes a building with a yield of approximately 200 dwellings, of which 50% (100 dwellings) will be secured as affordable housing under clause 40 of the HSEPP and managed by a registered CHP (CHP). The project is a partnership between PCH, a registered CHP and the landowner, and Civic Disability Services Ltd, a local not-for-profit operator. It includes purpose-designed Specialist Disability Accommodation (SDA) and community-supporting infrastructure, including a proposed café space and community tenancy.

The project satisfies all three components of the statutory test under clause 39(6) of the SEPP. It demonstrates:

- **Land use compatibility**, with sensitive built form transitions, substantial setbacks, and landscaped interfaces to surrounding low-density housing.
- **Infrastructure availability**, with immediate adjacency to Woollooware Station, proximity to key social infrastructure, and full access to essential services.
- **Low environmental risk**, with no ecological constraints, stormwater managed on site, no basement excavation required, and strong solar, ventilation, and amenity outcomes.

The proposal exceeds the 15% affordable housing threshold required under division 1 and is consistent with the strategic intent of schedule 11, which identifies the site as part of the inner core catchment for mid-rise, transport-oriented housing.

This project will be Civic's anchor development in the Sutherland Shire and is designed to consolidate its operations and community services within a purpose-built precinct. Subject to Commonwealth support, the proposal is capable of extending affordability well beyond the 15-year minimum required under clause 40. As demonstrated by the nearby Heathcote project, the Civic model—delivered in partnership with PCH—can provide long-term secure tenure, with the Heathcote project achieving a 25+ year affordability commitment. A similar outcome is envisaged for Woollooware, contingent on early-stage planning certainty.

The proposal does not seek to override council. Rather, it seeks to partner with both local and state government to unlock delivery on a well-located, socially valuable site. The current zoning framework (R2) does not permit RFBs, yet the HSEPP expressly provides a pathway for such housing through division 5, precisely to enable delivery of public interest projects that would otherwise be constrained by legacy instruments. In that respect, the project represents a planning exercise in inclusionary zoning—securing affordable housing by capturing uplift in a socially structured and publicly accountable way.

This SCC application is supported by an Urban Design Report, Infrastructure and Social Impact Reports, and legal advice from senior counsel confirming that a clause 4.6 variation may lawfully be relied upon at DA stage. The legal advice also reinforces that the purpose of the SCC is not to

assess environmental impacts or approve specific design outcomes, but to affirm strategic merit, compatibility, and development feasibility consistent with the SEPP’s intent.

The project is fully aligned with the NSW Housing Strategy 2041, the South District Plan, the State Infrastructure Strategy, and Sutherland Shire Council’s Local Strategic Planning Statement and Housing Strategy. Council officers and senior planning executives have actively contributed to the evolution of the design through a collaborative pre-lodgement process. The engagement process has been rigorous, respectful, and ultimately productive—providing design input that has now shaped the final scheme.



**Figure 66 Refined concept scheme post council engagement east view with desired future character context**

The SCC provides early-stage certainty essential to progress this precinct-scale project. It acts as a gateway to DA, enabling the next phase of design development, financing, community engagement and approvals. For a project of this nature—anchored by a local charity, backed by a CHP, and responding directly to regional housing stress—the SCC is a critical tool that aligns planning process with social need.

Accordingly, we respectfully request the department and the secretary to:

- **Issue a SCC under clause 39(6)**, confirming the proposal’s compatibility with surrounding land uses and strategic context.
- **Acknowledge that a future clause 4.6 variation will be submitted at DA stage**, supported by legal precedent and justified by the division 5 framework and state housing policy.



- **Consider providing support or guidance** in resolving the active use permissibility issue—whether via advisory note or separate policy clarification.

The applicants look forward to continuing their partnership with the department and council to deliver this strategically important and socially transformative housing outcome.

In light of the national and state policy shift toward delivery-focused planning, the role of the SCC under division 5 is no longer ancillary—it is fundamental. The NSW Government has committed to unlocking housing supply through flexible planning instruments that promote delivery, not delay. The Woollooware Road project provides a well-evidenced, high-impact opportunity to realise these objectives on an underutilised site adjacent to heavy rail. Issuing the SCC will not only confirm legal compatibility—it will affirm the government’s resolve to prioritise housing outcomes in line with its own housing reform commitments.

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. Ends.

### **Our missions:**



**Pacific Community Housing**  
PROMOTING AND PROVIDING ACCESS TO SAFE  
AND SECURE AFFORDABLE HOUSING



Matthew Daniel  
MPM, MBA (major PM) Grad Cert (Urban Planning).  
Director, Pacific Planning  
20 June 2025



**Our Impact**  
Human Potential, Realised.

*Civic supports individuals with disability to exercise choice and control, achieve their goals, and be active members of the community. We provide the right support at the right moment, creating moments that matter as we break down barriers and strive for a more inclusive society.*