

24 June, 2026

Planning Systems Reform team
Department of Planning, Housing, and Infrastructure
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Low-rise housing reforms and targeted assessment

I write in relation to the consultation on the above discussion paper.

Urban Taskforce Australia appreciates the Department's intent to make the planning system faster, fairer, and modern, through initiatives such as the ones described in this paper.

We welcome the prospect of a code for targeted assessment and low-rise housing. This has been shown to work in other jurisdictions, cutting through unnecessary red tape, speeding up the approvals process, and ensuring greater consistency in development assessment.

A streamlined, targeted assessment pathway will help to overcome barriers to the delivery of housing supply.

Urban Taskforce's responses to the discussion paper's questions can be found below.

Questions

1. Are the guiding principles appropriate? What changes would you suggest?

The guiding principles are supported, covering development of low-medium risk and/or scale, and seeking to simplify the planning system.

In particular, Urban Taskforce Australia believes that the targeted assessment pathway should be available for any proposal deemed to comply with the conditions of the NSW Government's Low-and Mid-rise Housing policy.

As the guiding principles state, this would exclude rezonings, complex developments, or hazardous sites, but would still result in streamlining project approvals not so encumbered.

2. Does this capture the limitations of the current framework and key areas for reform? Are there other aspects of the system where we could make meaningful improvements?

Yes, the paper makes clear the challenges posed by the current system when it comes to low-rise housing, including differences in planning instruments and land use definitions that create confusion and can be used to obstruct development.

The allowance to build where land use is permissible is a fundamental principle of the planning system, but this becomes a farce if different instruments create differing conditions.

The result tends to be to reinforce the most restrictive position, rather than seeking to facilitate new development.

Barriers to the use of complying development clog up the approvals system and delay projects for all proponents, while conditions implemented through local environment plans (LEP) and development control plans (DCP) are often designed to frustrate applicants.

Councils such as Woollahra and Mosman are openly stating that the intent of their controls is to “stop LMR development”, for example, undermining State Government policy in the furtherance of their own local political positions or council officer biases.

Only today, newspapers report that Woollahra Council is planning to heritage list individual trees around the Woollahra train station site in what we believe is a deliberate effort to obstruct the Government's State-led rezoning plans.

This propensity of some councils to actively seek to obstruct development opportunities is demonstrated in the paper's discussion of the “*highly prescriptive or difficult to understand*” standards underpinning the issue of complying development certificates (CDC). If codes overlap but have variations, it increases the ability of an assessor to move a project out of the CDC pathway and to require a full DA.

Development standards must be simplified and consistent to ensure that projects are supported, not obstructed. Local controls and conditions cannot be allowed to throw up bespoke barriers to housing projects based on local political whim.

3. Which standards should be included in the code, and which standards are more appropriately left outside the code in existing SEPPs, LEPs and DCPs?

Zoning, height, density should remain in LEPs or SEPPs. There should be a standard instrument for DCPs. In the meantime, as a non statutory control, they should be treated as guidelines only.

The introduction of a single low-rise housing code would be a welcome step, and the intention to ensure clear eligibility and exclusion criteria, reconfirmation of the permissibility for low-rise housing, standardised zoning, standard definitions, and consistent natural hazard and environmental constraints a necessary development.

In the meantime, a single low rise complying development code that sets out these DCP controls will help to reduce inconsistent decision-making and stop development controls from being weaponised against new housing projects.

Urban Taskforce believes that apart from differentiation between urban and non urban LGAs, all standard controls affecting low-rise and LMR-related housing should be included within the proposed code, rather than allowing for multiple variations through dozens and dozens of local planning instruments.

4. Do you see this consolidation as a helpful step towards a simplified framework?

Yes. Creating a new housing code will enable the delivery of a one-stop-shop for approvals are reduce the delays inherent in the planning system.

Removing local controls will ensure better consistency over what should be allowable within the CDC and targeted assessment pathways, through the proposed objectives-based approach.

It may also help to limit the development conditions that are often placed on projects, and which can make an approved project unfeasible.

Urban Taskforce agrees with the key benefits identified in the discussion paper – streamlined access, consistency, efficiency, and flexibility – and believes that the Government's proposed way forward can draw from the experiences of other jurisdictions to avoid any potential pitfalls and to ensure that the new housing code is successful.

5. Are there any instruments you would like to see included or excluded from a consolidated code?

Urban Taskforce has no comment on instruments that might be excluded from a consolidated code.

6. Should exempt development provisions relevant to low-rise housing be included in a consolidated code or continue to be dealt with separately?

Urban Taskforce is comfortable with exempt development provisions remaining separate from the proposed consolidated code.

7. Should hazard affected land be eligible for targeted assessment?

All lands, even those with perceived natural hazards, should be eligible for targeted assessment. If the consolidated code is written simply and clearly, such that it can be applied across local government areas, it should be possible to ensure that any hazards can be addressed in the targeted assessment.

8. Do you agree with the principle of avoiding residential land use intensification?

The first position of the Urban Taskforce is no. Natural hazards are often used (sometimes deliberately) by councils to preclude lands from development. We are wary of leaving this back-door open. We recognise that this is a complex matter, but perhaps a gateway approach could be adopted – whereby if development was deemed to be acceptable, then a targeted approach could be used.

9. Do you have any other comments or concerns related to natural hazards?

No

10. Should HCAs be included in the reform? Should heritage items be excluded?

Yes and no (well – see details below)

HCAs have become a blocking tool and should be ignored. Heritage concerns are increasingly being used to prevent development that would otherwise be allowed, as mentioned previously.

For example, Willoughby Council recently extended its Naremburn heritage conservation area (HCA) to cover the whole suburb, despite the fact that a significant proportion of the included land was covered under NSW Government LMR zoning.

To allow for the HCA to be exempt from the targeted assessment process would effectively block the ability of applicants to redevelop their properties, even in circumstances approved by the State.

While State Government heritage listed items should be exempted from the consolidated code, a more pragmatic approach should be taken with respect to “contributory” buildings and non-contributory buildings. One listed site should not prevent development within an entire precinct.

11. Should conservation zones be included in the reforms?

Urban Taskforce agrees with the preliminary policy position outlined in the discussion paper that “targeted assessment could apply to permissible low-rise housing in conservation zoned land that has a predominantly residential character and is not subject to significant site constraints”.

We consider this to be a reasonable compromise position when it comes to conservation zones.

12. Are there any specific concerns with applying targeted assessment in these zones?

No.

13. Should the code include standards for a broader range of low-rise housing typologies? Should it provide both a CDC and targeted assessment pathway?

Yes, the code should apply to a broader range of low-rise housing typologies, with both pathways an option for applicants.

Urban Taskforce believes that this could go further, and that mid-rise development, in areas already zoned by the NSW Government, should be eligible for consideration under the code, providing that they comply with the requirements of that zoning.

14. What do you think should be the first stage of the code?

Urban Taskforce has no comment on the first stage of the code but looks forward to seeing the detailed Explanation of Intended Effect when it becomes available.

Conclusion

Urban Taskforce Australia welcomes the NSW Government's proposed approach to targeted assessment, as outlined in the discussion paper.

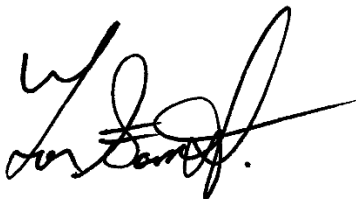
The project provides an ideal opportunity to streamline development assessment and to remove the escalation of straightforward applications to more complex approval pathways.

We believe that extending the proposed consolidated code to put it in line with the State Government's LMR policy will help to resolve several barriers to the delivery of new housing supply that are appearing at a local government level.

We look forward to seeing the next stage of this consultation.

Should you wish to discuss any aspect of this submission further, please contact our Head of Policy, Paul Waterhouse, on 0411-875-366 or via email at paul@urbantaskforce.com.au

Yours sincerely



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