

Low- and mid-rise housing policy



Policy exclusions factsheet

Housing SEPP: State Environmental Planning Policy (Housing) 2021

Type of land excluded

Why the land is excluded

Deciding if a property is affected



Bushfire-prone land

Bushfire-prone land includes vegetation categories 1, 2 and 3, as well as the buffer zone. Councils produce this mapping for their Local Government Area and supply it to the NSW Rural Fire Service.

Excluding this land helps lower the risks associated with increased density in bushfire-prone areas.

It also has environmental benefits as it means fringe areas that are environmentally sensitive and well-vegetated will not be affected by the policy.

The Housing SEPP specifies the policy does not apply to bushfire-prone land.

Local councils map bushfire-prone land. This information is also identified on a planning certificate.

Bushfire-prone land mapping is available on the [NSW Rural Fire Service website](#) and is built into the [NSW Planning Portal Spatial Viewer](#).



Land within Australian Noise Exposure Forecast or Australian Noise Exposure Concept contour of 20 or greater.

The Australian Noise Exposure Forecast is a tool used to gauge noise exposure at major airports. Australian Noise Exposure Forecast contours guide land-use planning around airport sites and evaluate the impacts of aircraft noise. In addition, Australian Noise Exposure Concept contours have been mapped for the Western Sydney International Airport, which are based on indicative flight paths for some planned runways.

Relevant Local Environmental Plans and State Environmental Planning Policies, refer to these contours. Mapping is publicly available.

The 20+ contour is considered a high level of noise exposure and generally affects land under flight landing paths nearing the runways. Additional housing density is generally discouraged in these areas to ensure the effective operation of the airport and to minimise exposure to hazardous noise levels.

The Housing SEPP specifies the policy does not apply to land affected by an Australian Noise Exposure Forecast or Australian Noise Exposure Concept contour of 20 or greater.

Local and state planning authorities map land affected by aircraft noise, in conjunction with federal authorities for some airports.

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Flood prone land within the Hawkesbury Nepean Valley and Georges River water catchments

Flood-prone land is related to the probable maximum flood defined in the NSW Government's [Flood Risk Management Manual \(PDF 1.21 MB\)](#), June 2023. The probable maximum flood is the largest flood that could conceivably occur at a location.

The Hawkesbury Nepean Valley and Georges River catchments were identified as high-risk catchments in the [2022 NSW Flood Inquiry report \(PDF 12.9 MB\)](#).

Any increase in dwelling capacity on flood-prone land in these areas requires a strategic approach and technical studies to appropriately identify and manage risk.

The risk-based approach taken in the low-and mid-rise policy excludes flood-prone land in these catchments. This exclusion will help to mitigate flooding and evacuation risks.

The Housing SEPP specifies the policy does not apply to flood-prone land in the Hawkesbury Nepean Valley and Georges River catchments.

These catchments are mapped in [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#).

The relevant council can confirm whether land is affected by the probable maximum flood. The [NSW SES](#) also keeps public maps of the flood layers for these 2 catchments.



The flood planning area within 22 Local Government Areas that are in high-risk areas/catchments as identified in the 2022 NSW Flood Inquiry report (PDF 12.9 MB)

The flood planning area is defined in the NSW Government's [Flood Risk Management Manual \(PDF 1.21 MB\)](#), June 2023. It is generally the 1% annual exceedance probability plus appropriate freeboard.

Council areas affected are:

- Armidale Regional
- Ballina
- Bellingen
- Byron
- City of Cessnock
- Clarence Valley
- City of Coffs Harbour
- Dungog
- Goulburn-Mulwaree
- Kempsey
- Kyogle
- City of Lismore
- Nambucca Valley
- City of Newcastle
- Port Stephens
- Queanbeyan-Palerang Regional
- Richmond Valley
- City of Shoalhaven
- Singleton
- Tweed
- Upper Hunter Shire
- Walcha

In The [2022 NSW Flood Inquiry report](#) identified several high-risk catchments and regions including:

- Northern Rivers region
- Wilsons
- Tweed rivers
- Macleay
- Richmond
- Hunter
- Clarence
- Shoalhaven

In these areas, any significant increase in dwelling capacity in the flood planning area requires a strategic approach and technical studies to appropriately identify and manage risk.

The Housing SEPP specifies the policy does not apply to the flood planning area within the listed Local Government Areas.

These catchments are not mapped in a State Environment Planning Instrument like the Hawkesbury Nepean Valley and Georges River catchments, which is why the corresponding Local Government Areas within those catchments/areas have been referenced in the Housing SEPP.

The relevant council can confirm whether a property is impacted by the flood planning area. This information must be identified on a planning certificate.

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Coastal wetland, littoral rainforest or coastal vulnerability areas

This land is designated in Chapter 2 of the [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#).

When rezoning or intensifying land uses on sensitive coastal and rainforest lands, the planning system requires assessments and technical studies of various risks such as erosion and environmental impacts. Excluding this land aligns with established policy intent in NSW.

The Housing SEPP specifies the policy does not apply to land identified as a coastal wetland, littoral rainforests or coastal vulnerability area, within the meaning of chapter 2 of the State Environmental Planning Policy (Resilience and Hazards). These areas are mapped in the planning instrument.

You can use the [NSW Planning Portal Spatial Viewer](#) to determine if a location is affected.



Major pipeline 200m buffer zone

High-pressure pipelines are normally large, steel pipelines that operate at high pressures to transport gas or liquids over long distances. These pipelines run beneath the ground and span thousands of kilometres around the country and within our cities and towns. High-pressure pipelines are typically constructed within well-defined easements or corridors.

These pipelines are licensed under the *Pipelines Act 1967* and operated according to Australian standards. The [State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#) (section 2.77) requires the proponents of new residential or infrastructure developments to evaluate the potential risks from nearby pipelines to the developments.

The Housing SEPP specifies the policy does not apply to land within 200 m of a relevant pipeline.

Relevant pipelines are defined in section 2.77 of the State Environmental Planning Policy (Transport and Infrastructure). The relevant local council can confirm whether a property is affected.

For this policy, any increase in dwelling capacity on land within 200 m of a high-pressure, dangerous-goods pipeline requires a strategic approach and technical studies to ensure that risks are appropriately identified and managed.



Transport Oriented Development areas

The areas are mapped under chapter 5 of the Housing SEPP.

The policy does not include land within a Transport Oriented Development Program area, as identified in the Housing SEPP.

This will improve clarity in these areas by avoiding similar policy settings applying to the same land.

The Housing SEPP specifies the policy does not apply to land within a Transport Oriented Development Program area, identified under chapter 5 of the Housing SEPP.

You can use the [NSW Planning Portal Spatial Viewer](#) to determine if a location is affected.

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Heritage items

The low-and mid-rise policy will not apply to land that comprises or contains a heritage item listed in a Local Environmental Plan or the State Heritage Register. This will help to preserve important heritage items.

The Housing SEPP specifies the policy does not apply to land that comprises or contains a heritage item.

You can use the [NSW Planning Portal Spatial Viewer](#) to determine if a location is affected.



All land within the Bathurst Local Government Area

Bathurst Local Government Area has only 2 small areas of land zoned as R2 where the policy would have affected. One of these is exposed to hazardous noise levels from the Mount Panorama racetrack. The other is affected by odours from a sewerage plant.

The Housing SEPP specifies the policy does not apply to land within the Bathurst Local Government Area.

To mitigate exposure to these hazards, the policy will maintain the current local permissibility settings, which allow for a maximum of one house per lot (a standard dwelling house).



All land within the Blue Mountains Local Government Area

Most residential land in this Local Government Area is bushfire prone. There is also an evacuation risk present throughout the local government area due to the single highway entry and exit. Any increase in dwelling capacity within this Local Government Area requires a strategic approach and technical studies to effectively examine and manage risks.

The Housing SEPP specifies the policy does not apply to land within the Blue Mountains Local Government Area.

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All land within the Hawkesbury Local Government Area

The Hawkesbury Nepean Valley probable maximum flood extent affects most residential land in this Local Government Area. There are also an evacuation risks to residential areas. Any increase in dwelling capacity in this Local Government Area requires a strategic approach and technical studies to ensure effective risk management.

The Housing SEPP specifies the policy does not apply to land within the Hawkesbury Local Government Area.



All land within the Wollondilly Local Government Area

Most residential areas in this Local Government Area are either bushfire-prone and/or flood-prone land. There are evacuation risks throughout the Local Government Area. Any increase in dwelling capacity within this Local Government Area requires a strategic approach and technical studies to ensure risks are appropriately managed.

The Housing SEPP specifies the policy does not apply to land within the Wollondilly Local Government Area.

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