



21 June 2024

Madam Secretary Kiersten Fishburn
Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Via email: Kiersten.fishburn@dphi.nsw.gov.au

Dear Madam Secretary

RE: Low and Mid-rise Housing Reforms – Revised North Sydney Council position

As previously submitted, North Sydney Council strenuously objects to the proposed Low and Mid-rise housing reforms. As contained in Council's resolution of 12 February 2024 and reflected in the detailed submission (lodged 23 February 2024), Council objects to the crude imposition of a blanket one-sized fits all approach of these reforms.

More recently, at its extraordinary meeting held Tuesday 18 June 2024, Council resolved to write to DPHI seeking that they abandon low to mid-rise housing reforms given the issuing of housing targets on 29 May 2024.

Instead, Council strongly advocates that Council be tasked with place-based planning in consultation with our community, as embedded in the Environmental Planning and Assessment Act 1979, to plan to meet those targets. North Sydney Council has a track record of delivering place-based planning informed by community input to meet housing targets. This is the responsible way to manage growth.

Council would welcome a meeting to discuss this position prior to the Low and Mid-Rise Housing Reforms being progressed.

Town centre selection - retraction of unauthorised form

It has come to my attention that a document titled entitled '*Low and mid-Rise Housing: Station and Town Centre Selection*' form was submitted to the department ahead of a meeting held with Council staff on 17 May 2024. This form was **not duly authorised** as a representation of North Sydney Council's position in relation to town centre selection, particularly as it relates to Neutral Bay, and I would therefore **request that this form be rescinded**. Council seeks written acknowledgement of this retraction and recognition that the contents of this document does not confer any agreement, tacit or otherwise to the inclusion of Neutral Bay or the town centre and Station precincts identified in the form.

As a replacement, I have attached the authorised form to this letter and submit it as Council's response to the Station and Town Centre Selection Form.

I understand that at the meeting held Friday, 17 May 2024, Council staff provided a robust argument against Neutral Bay being listed as a town centre. However, considering the conflicting commentary contained in the unauthorised form ahead of the meeting, Council feels it important to confirm Council's objection to Neutral Bay being considered a town centre.

With respect to Neutral Bay specifically, at the meeting on 17 May 2024, it was highlighted that Council had recently exhibited a planning study for the area and reinforced that this was the preferred way to manage and guide growth. Council staff also raised concerns regarding accessibility levels within Neutral Bay, particularly the already challenged bus capacity. In addition, it was challenged that the extended linear nature (along Military Road) of the mixed-use areas of Neutral Bay and Cremorne did not provide a sufficient planning basis for eligibility to bluntly apply widespread uplift in the surrounding proposed 400m and 800m catchments.

Following an examination of the exclusion criteria, Council is of the strong view that this criterion is inadequate and will result in the blunt application of widespread uplift in the surrounding proposed 400m and 800m catchments around both Neutral Bay and other impacted areas of the North Sydney LGA, without proper planning consideration and assessment.

Following an examination of the exclusion criteria, the following argument is made in relation to Neutral Bay:

DPHI Criteria 1 - *Essential infrastructure: These concerns should be critical and urgent, rather than general issues that can be addressed over time. Essential infrastructure includes water, sewage, stormwater, and electricity.*

The availability of essential utilities alone is an insufficient planning ground to apply significant density uplift. Whilst Neutral Bay and other areas of North Sydney currently have availability of access to these services, there has been no capacity modelling made available to demonstrate that existing respective infrastructure is adequate to service the levels of widespread density uplift. It is noted that Sydney Water's *Growth Servicing Plan 2024-2029* – (p 18) recognises limited trunk capacity for wastewater in some areas of the LGA.

DPHI Criteria 2 - *Road infrastructure: These issues should be critical and urgent, rather than general issues that can be addressed over time. General traffic management is not considered a critical issue.*

When Council recently undertook the Neutral Bay Village Planning Study, an examination of the capacity of the local and regional road network to accommodate increases in vehicular traffic growth was undertaken. This helped inform the level of growth that may be accommodated as well as (traffic and transport) measures to help support ensuing growth.

In the case of Neutral Bay and mixed-use areas along Military Road, the issue of traffic management has become even more acute in the context of the cancellation of the Northern Beaches Tunnel project. TfNSW's own modelling forecasts, undertaken as part of the Warringah Freeway Upgrade/Western Harbour tunnel projects, indicate that significant additional traffic volumes will be diverted onto Military Road, which already suffers significant periods of congestion being the only major arterial road in the area to the Northern Beaches. This congestion leads to 'rat-running' throughout the surrounding local road network. This issue is not considered a general traffic management issue.

Indeed, Military Road is, and remains, highly congested and was rated by the NRMA as the second worst road in Sydney in 2023¹.

Beyond inconvenience and amenity impacts, to state that general traffic management is not considered a critical issue is irresponsible in the context of ensuring access for emergency services during critical incidents.

DPHI Criteria 3 - Quality of train service: The initial screening included frequencies, distance to major hubs, and co-location with town centres, so the remaining issues may relate to capacity or reliability.

Neutral Bay, Cremorne and Cammeray are not served by heavy rail, light rail nor Metro.

The refinement paper provides an inclusion criterion of a service frequency of less than 15 minutes. Whilst it is acknowledged that the stations in the North Sydney area (Wollstonecraft, Waverton, North Sydney, Milsons Point & Crows Nest and Victoria Cross Metro) all meet this criterion (during peak periods) this does not on its own justify the simplistic application of increased density uplift in the surrounding 400m to 800m walking catchments. This approach does not give any consideration to impediments to walking such as topography, differing mobility ability levels and safety.

In the case of the Neutral Bay, Cremorne and Cammeray 'centres' included in the DPHI selection form these do not contain stations further reinforcing Council's the objection to their inclusion.

DPHI Criteria 4 - Quality of bus services in town centres: The initial screening included a basic bus service screening for town centres, the remaining issues may relate to capacity, reliability, and frequency.

Capacity, reliability and frequency are all major concerns in relation to bus services for Neutral Bay.

The existing bus services along Military Road are often at or over capacity during peak hours. Further they are generally operating in a congested arterial and local road network. Whilst no formal notification of amendments to the services has been provided to North Sydney Council, there has been suggestion from providers that some of the B-Line stops (which provide direct access to the Sydney CBD) may be removed/reduced due to the capacity issues the service often faces by the time

¹ NRMA Survey reveals worst roads in NSW | 2023 Press Releases | The NRMA ([mynrma.com.au](https://www.mynrma.com.au)).

it reaches Neutral Bay and Cremorne. This has been particularly prevalent during the a.m. peak periods.

Again, it is reiterated that the presence of a regular bus service alone does not justify a blanket significant density increase around Neutral Bay or Cremorne.

DPHI Criteria 5 - Level of service of town centres: The initial screening was for the presence of a major supermarket, which was intended to predict the overall level of service of a centre. There may be some centres that contain a major supermarket, but do not have an adequate range of other frequently needed shops and services.

Having evolved historically along the Military Road corridor in a linear manner, the Neutral Bay and Cremorne Mixed Use zoned areas are approximately 1.4km in length. The presence of a supermarket and certain shops/facilities alone do not form a sufficient basis as a planning principle to trigger significant density uplift. For example, if measured from the eastern or western most extremity of the Mixed Zone, occupants of the increased density may need to walk distances of over 2km to get to the nominated frequently needed service, be it a pharmacy or a medical visit. Under the rationale described in the refinement paper, the Neutral Bay and Cremorne mixed use zoned land does not represent a consolidated nor contained fully self-sufficient centre as is somewhat simplistically suggested in the refinement paper.

The exclusion criteria fails to address any criteria relating to public amenity including access to open space and recreation facilities, culture and creativity, public libraries and schools. Neutral Bay is lacking in public amenity if such criteria were to be applied.

As mentioned previously, Council is committed to managing growth and change and does this through place-based planning studies that are informed by both technical supporting studies and community inputs. On 27 May 2024 Council formally adopted the Neutral Bay Village Planning Study to guide growth in the precinct. In addition, there are currently a number of Planning Proposals before the Department which provide for significant new residential dwellings in Neutral Bay.

DPHI Criteria 6 - Land constraints and environmental risks within the precincts will be dealt with separately via direct land exclusions in Refinements 5, 6 and 7 (refer to Policy Refinement Paper).

These criteria and refinements 5 (Mainstream flooding), 6 (High risk bushfire) are not directly relevant to North Sydney LGA. Refinement 7 identifies other hazards such as coastal management, contaminated lands, acid sulfate soils, land slip, pipelines and dangerous industries and states that the Department considers these risks can generally be managed at the DA stage. Whilst this may be the case, in some instances the Low to Mid-rise housing reforms represent in some cases a significant change in densities and urban form comparable to a re-zoning. Proper, responsible, evidenced based strategic planning, as supported by the DPHI's own Plan Making Guidelines and Ministerial Directions warrants these be properly examined before any changes of the nature proposed are implemented.

Refinement 3 – Issues in the R1 General Residential Zone

Whilst North Sydney Council LGA does not contain any land zoned R1 – General Residential, the principle of avoiding a jarring transition, described in this section of the refinement paper applies particularly to the North Sydney Council's R3 zoned land.

R3 zoned land in the North Sydney LGA has a maximum building height of 8.5m and does not permit residential flat buildings. Dwellings in this zone are generally 1-2 storeys in scale with some multi-dwelling housing presenting as 2 storeys with modest 3rd storey elements.

Introducing permissibility of residential flat buildings at a building height of 22m (6 storeys) will represent an abrupt and confronting interface with lower scale developments which is entirely incompatible with both the zone objectives and desired character of the area.

Given this acknowledged desire to avoid a jarring transition in the DPHI refinement paper, in the circumstances of the North Sydney R3 zone, it is requested that mid-rise provisions **not** be applied to the North Sydney LGA to avoid this unintended consequence.

Summary

In summary, **Council does not support** the identification of Neutral Bay as 'Town Centre precinct' nor the application of the Low and Mid-Rise Housing reforms across the North Sydney LGA.

Further, Council seeks an exemption from application of the Mid-Rise Housing provisions to recognise existing density, planned growth and to allow for appropriate transition between low and mid-rise building forms in the R3 zone.

Council recognises the need to accommodate growth and is committed to planning for this in a consultative, evidence and placed based manner.

I trust that the above provides further clarity regarding Council's resolved assessment and position in relation to these proposed reforms. If you have any further queries, please contact Neal McCarry – Service Unit Manager - Strategic Planning on 9936 8325 or email neal.mccarry@northsydney.nsw.gov.au.

Yours faithfully



THERESE COLE
CHIEF EXECUTIVE OFFICER

cc: Dan Cutler via email Daniel.cutler@planning.nsw.gov.au

Low and Mid-Rise Housing: Station and Town Centre Selection Form

We would like to work with council to determine which station and town centres precincts are suitable to be included in the policy. We have undertaken a preliminary screening to eliminate the most unsuitable station and town centres based on location and service levels (refer to the Policy Refinement Paper for details).

We request that council review the initial list of stations and town centres in the form below and select either '**Yes**' (include) or '**No**' (request to exclude) for each station and town centre.

If you select 'No' to any station or town centre, we request that **reasons are provided** having consideration for the assessment criteria below.

If you could please **complete and return the form at least 1 business day prior to the workshop**, this will ensure we can have a productive meeting.

The following response represents the position of North Sydney Council, in accordance with its resolution of 14 February 2024 and subsequently updated on 17 June 2024.

This form is to be read in conjunction with the submission prepared by North Sydney Council dated 20 June 2024 as well as Council's original submission dated 23 February 2024.

Assessment criteria for further exclusions of station and town centres

We will assess the reasons provided by council for proposed further exclusions of stations and town centres from the initial list. The initial lists are intended to be preliminary screenings designed to eliminate the most unsuitable stations and centres, focusing on location and service levels without considering other factors.

The factors that the Department will consider for further exclusions will include, but are not limited to, the following:

- **Essential infrastructure:** These concerns should be critical and urgent, rather than general issues that can be addressed over time. Essential infrastructure includes water, sewage, stormwater, and electricity.
- **Road infrastructure:** These issues should be critical and urgent, rather than general issues that can be addressed over time. General traffic management is not considered a critical issue.
- **Quality of train service:** The initial screening included frequencies, distance to major hubs, and co-location with town centres, so the remaining issues may relate to capacity or reliability.
- **Quality of bus services in town centres:** The initial screening included a basic bus service screening for town centres, the remaining issues may relate to capacity, reliability, and frequency.
- **Level of service of town centres:** The initial screening was for the presence of a major supermarket, which was intended to predict the overall level of service of a centre. There may be some centres that contain a major supermarket, but do not have an adequate range of other frequently needed shops and services.
- Land constraints and environmental risks within the precincts will be dealt with separately via direct land exclusions in Refinements 5, 6 and 7 (refer to Policy Refinement Paper)

North Sydney – Station and Town Centre selections form

Station and Centre Precincts	Location and description	Council Response: Include?	Council Response: If no, please provide key reasons?
Town centre precincts	Cammeray Square Shopping Centre	NO	<ul style="list-style-type: none"> • Refer to Council's submissions of 23 February 2024 (attached) and 20 June (attached) for further justification for exclusion. • Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979 • Zoned E1 Local Centre • Inclusion is contrary to Policy Refinement Paper (dated 29 April 2024) • Does not contain a supermarket >2,000sqm • Existing bus routes along Miller Street are at or over capacity during peak hours. • No heavy rail or metro. • Inclusion is contrary to Council's resolved positions of 14 February 2024 and 17 June 2024

Station and Centre Precincts	Location and description	Council Response: Include?	Council Response: If no, please provide key reasons?
	Cremorne	NO	<ul style="list-style-type: none"> • Refer to Council’s submissions of 23 February 2024 (attached) and 20 June (attached) for further justification for exclusion. • Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979 • Zoned MU1 Mixed Use – elongated linear configuration • Existing bus routes along Military Road are at or over capacity during peak hours. • No heavy rail or metro. • Inclusion is contrary to Council’s resolved positions of 14 February 2024 and 17 June 2024.
	Crows Nest (North Sydney side)	NO	<ul style="list-style-type: none"> • Refer to Council’s submissions of 23 February 2024 (attached) and 20 June (attached) for further justification for exclusion. • Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979 • Zoned E2 Commercial Centre & MU1 Mixed Use • Areas of land zoned E2 Commercial Core are not substantive enough in area alone to support a local community. • Area is the subject of a separate State-led precinct planning process (Crows Nest TOD) • Inclusion is contrary to Council’s resolved positions of 14 February 2024 and 17 June 2024.

Station and Centre Precincts	Location and description	Council Response: Include?	Council Response: If no, please provide key reasons?
	Milsons Point	NO	<ul style="list-style-type: none"> • Refer to Council's submissions of 23 February 2024 (attached) and 20 June (attached) for further justification for exclusion. • Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979 • Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979 • Zoned MU1 Mixed Use • Inclusion is contrary to Council's resolved positions of 14 February 2024 and 17 June 2024.
	Neutral Bay	NO	<ul style="list-style-type: none"> • Refer to Council's submissions of 23 February 2024 (attached) and 20 June (attached) for further justification for exclusion. • Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979 • Zoned MU1 Mixed Use - elongated linear configuration • Existing bus routes along Military Road are at or over capacity during peak hours. • No heavy rail or metro. • Inclusion is contrary to Council's resolved positions of 14 February 2024 and 17 June 2024.

Station and Centre Precincts	Location and description	Council Response: Include?	Council Response: If no, please provide key reasons?
	North Sydney	NO	<ul style="list-style-type: none"> Refer to Council's submissions of 23 February 2024 (attached) and 20 June (attached) for further justification for exclusion. Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979 Zoned E2 Commercial Centre & MU1 Mixed Use Council resolved on 12 February 2024 to request that all land zoned MU1 and located outside of the <i>North Sydney Centre</i> be excluded from the Town Centre Precincts. Justification is provided with Council's submission dated 23 February 2024. E2 zoned land located east of the Warringah Freeway (Alfred Street precinct) is proposed to be rezoned MU1 Mixed Use. This area is completely detached from the main CBD and provides small scale office premises and some shops incapable of providing for the day to day needs of residents.
	St Leonards (North Sydney side)	NO	<ul style="list-style-type: none"> Refer to Council's submissions of 23 February 2024 (attached) and 20 June (attached) for further justification for exclusion. Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979 Zoned E2 Commercial Centre & MU1 Mixed Use Areas of land zoned E2 Commercial Core are not substantive enough in area alone to support a local community. Area is the subject of a separate State-led precinct planning process (Crows Nest TOD) Inclusion is contrary to Council's resolved positions of 14 February 2024 and 17 June 2024.

Station and Centre Precincts	Location and description	Council Response: Include?	Council Response: If no, please provide key reasons?
Stations precincts	Crows Nest Metro Station	NO	<ul style="list-style-type: none"> Refer to Council's submissions of 23 February 2024 (attached) and 20 June (attached) for further justification for exclusion. Area is the subject of a separate State-led precinct planning process (Crows Nest TOD) Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979
	Milsons Point Station	NO	<ul style="list-style-type: none"> Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979
	North Sydney Station	NO	<ul style="list-style-type: none"> Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979
	St Leonards Station	NO	<ul style="list-style-type: none"> Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979
	Victoria Cross Metro Station	NO	<ul style="list-style-type: none"> Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979
	Waverton Station	NO	<ul style="list-style-type: none"> Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979

Station and Centre Precincts	Location and description	Council Response: Include?	Council Response: If no, please provide key reasons?
	Wollstonecraft Station	NO	<ul style="list-style-type: none"> • Inclusion would not constitute proper place-based planning as required under the objectives of the Environmental Planning and Assessment Act, 1979