

## **8.2. MM02: Crows Nest Accelerated TOD Precinct – gazettal of State Environmental Planning Policy Amendment (Crows Nest Transport Oriented Development Precincts) 2024 (the TOD SEPP)**

On 27 November 2024, State Environmental Planning Policy Amendment (Crows Nest Transport Oriented Development Precincts) 2024 (the TOD SEPP) was gazetted. Schedule 2 of the TOD SEPP amended North Sydney Local Environmental Plan 2013 (“the LEP”) by inserting a new Part 7 Crows Nest Transport Oriented Development Precinct with the following objectives:

- (a) increase housing supply in the Crows Nest Transport Oriented Development Precinct, and*
- (b) enable a variety of land uses within walking distance of the St Leonards train and Crows Nest metro stations, and*
- (c) deliver housing supported by public spaces, vibrancy and community amenity, and*
- (d) increase the amount of affordable housing in the Precinct.*

New height of building, FSR, Non-Residential Floor Space and Lot Size maps were made at the same time. The changes are myriad and complex and not readily digestible, requiring reference to multiple maps, plans, and supporting documents. Council staff are currently analysing the changes between the exhibited plan the post-exhibition adopted plan. Suffice to say, there are significant increases in height and density, with inadequate provision for new open space and community facilities including schools.

The Department of Planning summarised the changes to include “the future delivery of”:

- approximately 5,900 new homes;
- capacity for approximately 2,500 new jobs;
- a minimum of 3% affordable housing in all new residential development and between 5% and 18% for key sites;
- floor space ratios (FSRs) of up to 20:1; and
- a range of building heights from 6 up to 62 storeys.

### **Massive additional height**

Once again, the Department of Planning significantly increased permitted building heights post exhibition. Changes of such magnitude should have been subject to further community consultation. For instance, the most obvious and shocking post-exhibition increase in height, indeed expansion of the plan itself, is at Nicholson and Sinclair Streets. New sites are included with “above TOD Exhibited Height” ranging from 6 storeys to 10 storeys. Elsewhere, post-exhibition heights jump from six storeys to 18 or 37 storeys. The increased height limits do not appear to consider the solar access controls set within the former 2036 Plan or the new Design Guide that accompanies the TOD Precinct changes. There is a danger that the new height controls will plunge some public spaces into shadow.

The plans, as gazetted, have expanded the Precinct outwards to the south-west of the Pacific Highway. This area is likely to be affected by the NSW Government’s low and mid-rise housing

reforms, which are expected to come into effect shortly, however the height and density limits under the TOD changes exceed what is anticipated under these separate housing reforms. It is disappointing that these changes have been made post exhibition, without the benefit of further community consultation nor consideration of their impacts on already strained community infrastructure and amenities.

### **Insufficient affordable housing provision**

The changes provide for massive uplift in development yield for the private development sector whilst only requiring between 3% and 18% affordable housing. The 18% affordable housing provision is for a handful of sites identified for significant additional height as an “affordable housing incentive”. This stands in marked contrast to the provision of 30% affordable housing in perpetuity that is already under consideration as part of the proposed “Hume Place” over-station development that is the subject of a State Significant Development Application. It is extraordinary that the private sector is seeking to deliver higher rates of affordable housing under the existing planning controls and yet the State Government’s plan lacks ambition to address the urgent need for affordable and key worker housing in this precinct.

### **Public open space and community infrastructure – lack of certainty and insufficient funding**

Once again, just as was experienced when the Special Infrastructure Contribution to deliver open space and social infrastructure for the 2036 Plan was repealed, there is terrible uncertainty around the delivery of new public open space and social infrastructure to meet this massive new density. The TOD Precinct changes do not consider the additional infrastructure needed to support the increased number of people who will live in these soaring higher buildings.

The final plan identifies proposed “new” open space on the Lithgow Street block to be provided at the corner of Oxley Street and Christie Street with a “minimum of 2,000m<sup>2</sup>. That may sound positive on its face, until one examines the detail. The proposed new open space has not been previously identified after years of careful planning for the 2036 Plan, is on privately held land and there is no funding provision for acquisition. Once again, it relies on future private sector provision in return, no doubt, for even more yield in the precinct.

The fact is that the post exhibition plan significantly increases the height and yield in the TOD Precinct – 5,900 new dwellings. Other Accelerated TOD Precincts also received significant post-exhibition height and density increases. Yet.... the NSW Government has **not increased** the initial \$520 million promised to be shared across the eight accelerated TOD Precincts around Sydney. The same amount of infrastructure funding must now be spread even thinner between the precincts.

North Sydney Council has long planned for (and delivered) new open space at the expanded Hume Street Park to meet the needs of existing and increasing future population. It is vital that Stage 2 of Hume Street Park be delivered as soon as possible and prior to the new density. This is a certain project on public land.

**I therefore recommend:**

- 1. THAT** Council seek an urgent meeting with the Minister for Planning and Departmental Secretary seeking the provision of funding for the delivery of Stage 2 of Hume Street Park.
- 2. THAT** a report providing detailed analysis of the impacts of the TOD Precinct changes as gazetted be provided to Council as soon as practicable.

**COUNCILLOR ZOË BAKER**  
**MAYOR**